EXECUTIVE COMMITTEE
AGENDA

Friday, January 8, 2010
9 to 10 a.m.
SANDAG, 7th Floor Conference Room
401 B Street
San Diego

AGENDA HIGHLIGHTS

• PROPOSED AGENDA FOR 2010 SAN DIEGO REGIONAL TRIBAL SUMMIT

• PROPOSED COMMENTS ON THE DEL MAR FAIRGROUNDS MASTER PLAN PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

• ANNUAL PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS

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Welcome to SANDAG. Members of the public may speak to the Executive Committee on any item at
the time the Committee is considering the item. Please complete a Speaker’s Slip, which is located in
the rear of the room, and then present the slip to Committee staff. Also, members of the public are
invited to address the Committee on any issue under the agenda item entitled Public Comments/Communications/Member Comments. Speakers are limited to three minutes. The Executive Committee may take action on any item appearing on the agenda.

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**EXECUTIVE COMMITTEE**  
Friday, January 8, 2010

<table>
<thead>
<tr>
<th>ITEM #</th>
<th>RECOMMENDATION</th>
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<tbody>
<tr>
<td><strong>+1.</strong> APPROVAL OF DECEMBER 4, 2009, MEETING MINUTES</td>
<td>APPROVE</td>
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<tr>
<td><strong>2.</strong> PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS</td>
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</tbody>
</table>

Members of the public will have the opportunity to address the Executive Committee on any issue within the jurisdiction of the Committee that is not on this agenda. Speakers are limited to three minutes each and shall reserve time by completing a “Request to Speak” form and giving it to the Clerk prior to speaking. Committee members also may provide information and announcements under this agenda item.

**CONSENT ITEM (3)**

| **+3.** FEDERAL LEGISLATIVE STATUS REPORT (Victoria Stackwick) | INFORMATION |

Periodic status reports on legislative activities are provided to the Executive Committee during the year. This status report provides an update on recent federal legislation pertaining to FY 2010 appropriations, the surface transportation authorization, and other transportation-related legislation.

**CHAIR’S REPORT (4)**

| **+4.** EMPLOYMENT AGREEMENT FOR EXECUTIVE DIRECTOR | RECOMMEND |

The Executive Committee is asked to recommend that the Board of Directors approve the proposed First Amendment to the employment agreement for the Executive Director in substantially the same form as attached to the report. The proposed amendment would revise the subsequent term of the employment agreement from three years (July 1, 2009 through June 30, 2012) to six years, five months (July 1, 2009 through November 30, 2015).

**REPORTS (5 through 9)**

| **+5.** PROPOSED AGENDA FOR 2010 SAN DIEGO REGIONAL TRIBAL SUMMIT (Jane Riquelme) | APPROVE |

SANDAG included in its FY 2010 Budget and Overall Work Program the convening of a Tribal Summit as a component of the tribal consultation process for the 2050 Regional Transportation Plan. An ad hoc task force composed of elected officials from the Borders Committee and the Southern California Tribal Chairmen’s Association (SCTCA) has helped develop a draft agenda for this event. The Borders Committee and SCTCA Board of Directors recommend that the Executive Committee approve the proposed agenda for the 2010 Tribal Summit, which would be held on April 9, 2010.
PROPOSED SANDAG COMMENTS ON THE DEL MAR FAIRGROUNDS MASTER PLAN PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT (Coleen Clementson)

The Del Mar Fairgrounds Master Plan project includes plans for maintenance and improvement to the current service condition of the Fairgrounds facilities, including renovation and modernization of several structures and parking areas, construction of new structures, demolition of structures, and relocation of a maintenance yard and fire station. The Executive Committee is asked to approve the comment letter, in substantially the same form as attached to the report, for submittal as a response to the Draft Environmental Impact Report for the Del Mar Fairgrounds Master Plan project.

ANNUAL PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS (Julie Wiley)

Staff is proposing amendments to Board Policies and Bylaws as well as one new Board Policy, as part of the annual review of these governing documents. In December, the Executive Committee began its review of the proposed amendments. The Executive Committee is asked to discuss the amendments to Board Policy No. 031 and the Bylaws (Attachments 1 and 3), and proposed new Board Policy No. 035 (Attachment 2) and recommend that the Board of Directors approve all of the proposed amendments to the Board Policies and Bylaws, including Board Policy No. 031, contingent on ITOC’s position on that amendment.

FY 2009 BUDGET AND OWP: YEAR-END REPORT (Tim Watson)

This report presents the status of the FY 2009 Budget and Overall Work Program from July 1, 2008, through June 30, 2009. Staff will present the significant accomplishments from the annual report.

REVIEW OF JANUARY 22, 2010, DRAFT BOARD AGENDA

UPCOMING MEETINGS

The next meeting of the Executive Committee is scheduled for February 12, 2010, at 9 a.m.

ADJOURNMENT

+ next to an agenda item indicates an attachment
Chair Lori Holt Pfeiler (North County Inland) called the Executive Committee meeting to order at 9:02 a.m. The attendance sheet for the meeting is attached.

1. APPROVAL OF MINUTES

Upon a motion by Mayor Jerry Sanders (City of San Diego) and a second by First Vice Chair Jerome Stocks (North County Coastal), the minutes of the November 13, 2009, Executive Committee meeting were unanimously approved.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS

There were no public comments.

CONSENT ITEM (3)

3. DRAFT 2010 LEGISLATIVE PROGRAM (RECOMMEND)

Each year, the Executive Committee recommends a legislative program in a priority order to the Board of Directors for the ensuing calendar year. Consistent with past programs, the 2010 program includes policies and proposals for possible federal and state legislation and local activities. At its November 13, 2009, meeting, the Public Safety Committee recommended a minor change to one of the public safety-related goals.

Action: Upon a motion by Mayor Sanders, and a second by First Vice Chair Stocks, the Executive Committee voted to recommend that the Board of Directors approve the 2010 SANDAG Legislative Program, as amended.

REPORTS (4 through 6)

4. AMENDMENT TO THE FY 2010 BUDGET: 2050 REGIONAL TRANSPORTATION PLAN (APPROVE)

SANDAG is the first major metropolitan planning organization that is developing a Regional Transportation Plan (RTP) according to provisions of Senate Bill 375 (Steinberg, 2008). At its June 26, 2009, meeting, the Board of Directors discussed a detailed work program and
schedule for the 2050 RTP, which includes preparing an environmental impact report, conducting an economic analysis of alternative transportation scenarios, and additional modeling work.

Heather Werdick, Senior Planner, provided the staff report.

Action: Upon a motion by Mayor Sanders and second by First Vice Chair Stocks, the Executive Committee voted to approve: (1) the use of $225,000 in Contingency Reserve funds and (2) an increase of $225,000 to the Long-Range Regional Plans and Forecast work element #31005 of the FY 2010 Overall Work Program for additional modeling and consultant services for the 2050 RTP.

5. ANNUAL PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS (RECOMMEND)

Julie Wiley, General Counsel, began an initial review of proposed amendments to Board Policies and Bylaws, as well as one new Board Policy, as part of the annual review of these governing documents.

Action: No action was taken on this item.

6. REVIEW OF DECEMBER 18, 2009, DRAFT BOARD AGENDA (APPROVE)

Renée Wasmund, Chief Deputy Executive Director, reviewed the draft agenda for the December 18, 2009, and noted changes.

Action: Upon a motion by Mayor Ron Morrison (South County), and a second by First Vice Chair Stocks, the Executive Committee voted to approve the agenda for the December 18, 2009, Board of Directors meeting, as amended.

7. UPCOMING MEETINGS (INFORMATION)

The next meeting of the Executive Committee is scheduled for Friday, January 8, 2010, at 9:00 a.m.

8. ADJOURNMENT

Chair Pfeiler adjourned the meeting at 10:04 a.m.

Attachment: Attendance Sheet
## CONFIRMED ATTENDANCE
### SANDAG EXECUTIVE COMMITTEE MEETING
#### DECEMBER 4, 2009

<table>
<thead>
<tr>
<th>GEOGRAPHICAL AREA</th>
<th>JURISDICTION</th>
<th>NAME</th>
<th>MEMBER/ALTERNATE</th>
<th>ATTENDING</th>
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<tr>
<td>North County Inland</td>
<td>City of Escondido</td>
<td>Lori Holt Pfeiler, Chair Member</td>
<td>Yes</td>
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<td></td>
<td>City of Poway</td>
<td>Don Higginson Alternate</td>
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<td>North County Coastal</td>
<td>City of Encinitas</td>
<td>Jerome Stocks, 1st Vice Chair Member</td>
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<td>City of Carlsbad</td>
<td>Matt Hall Alternate</td>
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<tr>
<td>South County</td>
<td>City of National City</td>
<td>Ron Morrison Member</td>
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<td></td>
<td>City of Imperial Beach</td>
<td>Jim Janney Alternate</td>
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<td>East County</td>
<td>City of Santee</td>
<td>Jack Dale, 2nd Vice Chair Member</td>
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<td></td>
<td>City of Lemon Grove</td>
<td>Mary Sessom Alternate</td>
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<tr>
<td>City of San Diego</td>
<td>______</td>
<td>Jerry Sanders Member</td>
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<td></td>
<td>______</td>
<td>Ben Hueso Alternate</td>
<td>No</td>
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<td></td>
<td>______</td>
<td>Tony Young Alternate</td>
<td>No</td>
<td></td>
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<tr>
<td>County of San Diego</td>
<td>______</td>
<td>Dianne Jacob Member</td>
<td>Yes</td>
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<td></td>
<td>______</td>
<td>Pam Slater-Price 1st Alternate</td>
<td>Yes</td>
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<td></td>
<td>______</td>
<td>Ron Roberts 2nd Alternate</td>
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FEDERAL LEGISLATIVE STATUS REPORT

Introduction

Periodic status reports on legislative activities are provided to the Executive Committee during the year. This status report provides an update on recent federal legislation pertaining to FY 2010 appropriations, the surface transportation authorization, and other transportation-related legislation.

Discussion

FY 2010 Appropriations Process

On December 16, 2009, the President signed H.R. 3288, the Consolidated Appropriations Act of 2010, which provides funding for four government agencies, including the FY 2010 Transportation, Housing and Urban Development and Related Agencies (THUD) appropriations bill. This is the first part of a two-stage plan by Congress to complete work on its remaining appropriations bills, with the FY 2010 Defense appropriations bill established as the final spending bill to be passed.

The THUD appropriations bill contains a total of $75.7 billion in spending for the U.S. Department of Transportation (USDOT). Specifically, the legislation provides $41.8 billion for highway spending, $10.7 billion for transit programs - an all time high, and $23.4 billion for aviation, safety, and other related transportation programs. However, the legislation does not provide specific program funding distributions for formula and bus programs; instead it leaves those decisions to the authorizing committees in future legislation.

The FY 2010 appropriations also includes discretionary funding for the following transportation projects in the San Diego region:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nordahl Bridge Widening at State Route 78</td>
<td>$500,000</td>
</tr>
<tr>
<td>Mid-City Rapid Bus</td>
<td>$2,359,850</td>
</tr>
<tr>
<td>State Route 56 Connectors and Interstate 5 Widening</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Interstate 805 Managed Lanes</td>
<td>$500,000</td>
</tr>
<tr>
<td>Regional Transportation Management System</td>
<td>$800,000</td>
</tr>
<tr>
<td>Bradley Avenue/State Route 67 Interchange</td>
<td>$400,000</td>
</tr>
<tr>
<td>State Route 52 East/West Improvements</td>
<td>$400,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,959,850</strong></td>
</tr>
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</table>
High Speed and Intercity Rail and the National Infrastructure Bank

The FY 2010 THUD appropriations bill provides $2.5 billion for grants to support intercity rail service and high speed rail corridors, instead of the original $4 billion House and the $1.2 billion Senate proposals.

A provision in the original House bill allowing for the transfer of $2 billion to a National Infrastructure Bank, contingent upon its creation through authorizing legislation, is not included in the conference report. The conferees stated that, given its complexity, the proposal requires careful review and should be considered through the normal authorization process.

Positive Train Control

For Federal Railroad Administration (FRA) Rail Safety Technology Grants as authorized under the Rail Safety Improvement Act of 2008, the FY 2010 THUD bill provides $50 million for projects such as Positive Train Control (PTC). This is the level proposed by the Senate, whereas the House had provided no funding for the program. The conference agreement provides that to be eligible for assistance, an entity does not need to have developed PTC plans required by law (49 U.S.C. 20156(e)(2) and 20157). However, applicants must demonstrate that they are currently developing the required plans in order to qualify for a grant under this program.

National Infrastructure Investments

Within the funds available to the Secretary of Transportation, the conference report provides $600 million for capital investments in surface transportation, instead of the original $1.1 billion proposed by the Senate. This is a competitive multimodal transportation infrastructure program modeled after the Transportation Investment Generating Economic Recovery (TIGER) program initiated under the American Recovery and Reinvestment Act (ARRA). Up to $150 million of the funding provided for this program is available to pay for the subsidy and administrative costs of projects eligible for credit assistance under the Transportation Infrastructure Finance and Innovation Act (TIFIA) program, and up to $35 million of the funding is available for the planning, preparation, or design of eligible projects.

New Starts/Small Starts

The FY 2010 THUD measure contains $2 billion for Federal Transit Administration (FTA) Capital Investment Grants (New Starts), which is 9.4 percent above the budget request and the original level proposed by the House, but $307.3 million below the original level proposed by the Senate. Among the policy provisions debated by the House-Senate conference, the final bill adopts a modified version of a Senate provision dealing with “contingent commitment authority,” enabling the FTA to expand the total amount of funding available for Full Funding Grant Agreements for FY 2010, beyond the current level allowed. Also, a Senate provision prohibiting the FTA from proceeding with its New Starts rulemaking is not included in the final conference report.

Amtrak

For Amtrak, the FY 2010 THUD bill provides just over $1 billion for capital and debt service payment grants (as proposed by the Senate) and $563 million in operating grants.
Surface Transportation Authorization

With debate continuing on a longer extension, Congress passed and the President signed the FY 2010 Defense appropriations bill, which contained a two-month extension of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Act (SAFETEA-LU) through February 28, 2009. The two-month extension of surface transportation authorization was required to allow the FY 2010 THUD funds to be distributed to local agencies.

Provisions also were included in the House passed version of the Jobs for Main Street Act (discussed below in more detail). The language in this jobs bill would extend SAFETEA-LU through September 30, 2010, and if the jobs measure is passed, this longer extension would supersede the shorter extension provided in the FY 2010 Defense appropriations measure.

Meanwhile, House Transportation and Infrastructure Committee Chairman James Oberstar (D-MN) and House Appropriations Committee Chairman David Obey (D-WI) have offered a broad outline of a developed proposal that would extend SAFETEA-LU for the next two fiscal years at roughly FY 2009 levels, and would provide an additional $22 billion in infrastructure spending for highways and transit for job creation. Funding for the next two fiscal years, plus the extra “stimulus funds” would both come from the general treasury. This would allow for sufficient balances to be built up in the Highway Trust Fund to write a full authorization bill next year, without raising the motor fuel user fee or any other new revenues.

Leaders in the U.S. Senate have been discussing a similar proposal to extend SAFETEA-LU and provide transportation stimulus funds, but only for one year. Proposals in both the House and Senate are intended to be deficit neutral, utilizing some portion of unused budget authority from last year’s Troubled Assets Relief Program (TARP), which was established to assist failing financial institutions.

Jobs for Main Street Act of 2010

On December 16, 2009, the House passed H.R. 2847, the Jobs for Main Street Act of 2010, which redirects $75 billion in funding from TARP for federal and state investments related to infrastructure and job creation. In addition, the bill includes $79 billion in emergency funding to provide short-term extensions for a host of government assistance programs, including federal unemployment insurance and small business loan guarantees. As mentioned above, the proposal also extends the surface transportation authorization until September 30, 2010, and it restores $20 billion to the Highway Trust Fund and rescinds a provision that bars Trust Fund balances from earning interest. Senate action on H.R. 2847 is expected in early 2010.

In total, the bill provides $154.4 billion in funding, including $48.3 billion for infrastructure investments, to be allocated as follows:

- **Federal Highway Administration.** $27.5 billion for highway construction and repairs and eligible passenger and freight rail transportation and port infrastructure projects.

- **Federal Transit Administration.** $8.4 billion for public transportation investments, including $6.15 billion for urban and rural formula grants; $1.75 billion to repair existing subway, light rail and commuter rail systems; and $500 million in capital investment grants for new or expanded fixed guideway projects.
- **Federal Railroad Administration.** $800 million for Amtrak through capital grants that will fund the acquisition and rehabilitation of rolling stock and passenger equipment.

- **Federal Aviation Administration.** $500 million for airport improvement projects.

- **Maritime Administration.** $100 million for the Maritime Guaranteed Loan (Title XI) program.

- **Bureau of Reclamation.** $100 million to enhance rural access to drinking water supplies.

- **Army Corps of Engineers.** $715 million for environmental restoration, flood protection, hydropower, and navigation infrastructure projects.

- **Department of Energy.** $2 billion for the Innovative Technology Loan Guarantee Program.

- **Department of Housing and Urban Development.** $1 billion for the National Housing Trust Fund (NHTF); $65 million in vouchers to support housing units built by NHTF; and $1 billion for the Public Housing Capital Fund for public housing renovation.

**Other Transportation-Related Legislation**

**Federal Aviation Authorization**

The Federal Aviation Administration (FAA) and the Trust Fund have been without a multi-year authorization statute since the law last expired on September 30, 2007. On December 16, 2009, the President signed into law, H.R. 4217, the FY 2010 Federal Aviation Administration Extension Act, Part II, which provides spending levels for FAA programs. The spending levels included in H.R. 4217 are roughly equal to the actual appropriation levels included in the FY 2010 THUD, which included approximately $16 million in funding for the FAA. This is a 3.4 percent increase over last year’s budget.

**Alternative Fuel Tax Credit for Natural Gas**

On Thursday, December 10, 2009, the U.S. House of Representatives passed H.R. 4213, the “Tax Extenders Act of 2009.” This legislation includes an extension of the alternative fuels tax credit for natural gas for one year, through December 31, 2010. The legislation will now head to the Senate, where its fate is uncertain, but sponsors of the bill hope to gain passage next week. The legislation also includes the extension of many other important tax provisions.

**The Public Transportation Safety Program Act of 2009**

On December 8, 2009, U.S. Transportation Secretary Ray LaHood called on Congress to pass the Obama Administration’s Public Transportation Safety Program Act of 2009, a new transit safety bill to ensure a high and standard level of safety across all rail transit systems. The proposal has not been introduced and is awaiting formal submittal by Congress.
The Administration’s proposal would do three things. First, the bill would authorize the Secretary to establish and enforce minimum federal safety standards for rail transit systems, effectively breaking through a prohibition originally established in 1965. The bill also would provide the Secretary the option to establish a safety program for public transportation bus systems. Secretary LaHood also announced the formation of a Transit Rail Advisory Committee on Safety (TRACS) that will help guide the USDOT rail transit safety regulations. Second, the bill would authorize the Secretary to allow states to receive federal transit assistance to staff and train state oversight personnel to enforce new federal regulations. State programs would have to be well-staffed and adequately empowered by state governments to fully enforce federal regulations in order to be eligible for federal funds. Third, the bill would require the state agencies conducting oversight to be fully financially independent from the transit systems they oversee. The FTA would enforce all federal regulations in states that choose not to participate in the program or where the state program is found to lack the necessary enforcement tools.

KIM KAWADA
TransNet and Legislative Affairs Program Director

Key Staff Contact: Victoria Stackwick, (619) 699-6926, vst@sandag.org
EMPLOYMENT AGREEMENT FOR EXECUTIVE DIRECTOR

File Number 8000100

Introduction

The current employment agreement between SANDAG and the Executive Director includes an initial five-year term (July 1, 2004 through June 30, 2009), with one subsequent three-year term (July 1, 2009 through June 30, 2012). The agreement automatically renews following the initial five-year term, unless SANDAG or Mr. Gallegos provides at least 120 days written notice of nonrenewal.

Recommendation

The SANDAG Chair recommends that the Executive Committee recommend that the Board of Directors approve the proposed First Amendment to the employment agreement for the Executive Director in substantially the same form as Attachment 1.

The SANDAG Vice Chairs and I have discussed extension of the term of the employment agreement with Mr. Gallegos. The proposed amendment would revise the subsequent term of the employment agreement from three years, to six years and five months (July 1, 2009 through November 30, 2015). This revision would require modification of the term and compensation provisions in Sections 3.1 and 3.2. All other provisions of the agreement would remain in full force and effect.

LORI HOLT PFEILER
Chair, SANDAG Board of Directors

Attachment: 1. Draft First Amendment to Employment Agreement

Key Staff Contact: Laura Cote, (619) 699-6947, lco@sandag.org
FIRST AMENDMENT
TO THE EXECUTIVE EMPLOYMENT AGREEMENT BETWEEN
THE SAN DIEGO ASSOCIATION OF GOVERNMENTS
AND GARY GALLEGOS

THIS FIRST AMENDMENT ("Amendment") is made this _____ day of January, 2010, by and between the San Diego Association of Governments (hereinafter referred to as "SANDAG"), 401 B Street, Suite 800, San Diego, California, and Gary Gallegos (hereinafter referred to as "Mr. Gallegos"), in view of the following recitals which are a substantive part of this Amendment:

RECITALS:

A. On or about January 23, 2004, SANDAG and Mr. Gallegos entered into an Executive Employment Agreement which provides that Mr. Gallegos shall serve as SANDAG’s Executive Director for a specified term (the “Agreement”).

B. The purpose of this Amendment is to modify the Agreement to extend the term and adjust the compensation provisions. Mr. Gallegos shall remain bound to the terms of the Agreement except to the extent the terms of this Amendment conflict with the Agreement in which case this First Amendment shall supersede the Agreement. Nothing in this First Amendment relieves Mr. Gallegos of his obligation to perform as required by the Agreement unless expressly stated herein.

NOW, THEREFORE, it is agreed as follows:

1. Section 3.1 of the Agreement (Initial Term) shall be amended to instead read as follows:

   The employment relationship pursuant to this Agreement shall be for an initial term of five (5) years (Initial Term), commencing on July 1, 2004, and continuing for an additional six (6) years and five (5) months following the Initial Term pursuant to Section 3.2 unless sooner terminated in accordance with Section 7 below.

2. Section 3.2 of the Agreement (Optional: Renewal) shall be amended to instead read as follows:

   On completion of the five (5) year Initial Term specified in Section 3.1 above, this Agreement will automatically renew for one subsequent term of six (6) years and five (5) months (Subsequent Term), unless either party provides one-hundred-twenty (120) days advance written notice to the other that SANDAG/Mr. Gallegos does not wish to renew the Agreement for a subsequent term. In the event either party gives notice of nonrenewal pursuant to Section 3.2, this Agreement will expire at the end of the Initial Term. The Base Salary for the Subsequent Term shall commence at $240,000 per year for the first year, and subject to the provisions of subsection 4.2 below, adjust to $250,000 per year at the commencement of the second year, to $260,000 per year at the commencement of the third year, to $270,000 per year at the commencement of the fourth year, to $280,000 at the commencement of the fifth year, and to $290,000 per year at the commencement of the sixth year of the Subsequent Term.
All other provisions of said Agreement, not amended herein, shall remain in full force and effect.

THE PARTIES TO THIS AGREEMENT HAVE READ THE FOREGOING FIRST AMENDMENT AND FULLY UNDERSTAND EACH AND EVERY PROVISION CONTAINED HEREIN. WHEREFORE, THE PARTIES HAVE EXECUTED THIS FIRST AMENDMENT ON THE DATES SHOWN BELOW.

GARY L. GALLEGOS

Dated: ________________________________

GARY L. GALLEGOS

SAN DIEGO ASSOCIATION OF GOVERNMENTS

Dated: ________________________________

HON. LORI HOLT PFEILER, CHAIR
SANDAG Board of Directors
PROPOSED AGENDA FOR 2010 SAN DIEGO REGIONAL TRIBAL SUMMIT

Introduction

SANDAG included in its FY 2010 Budget and Overall Work Program the convening of a Tribal Summit as a component of the tribal consultation process for the 2050 Regional Transportation Plan (RTP). An ad hoc task force composed of elected officials from the Borders Committee and the Southern California Tribal Chairmen's Association (SCTCA) has helped develop a draft agenda for this event.

Discussion

Background

Over the next two years, SANDAG will be developing the next RTP. At its June 26, 2009, meeting, the Board of Directors reviewed the 2050 RTP work program and schedule. During summer 2009, a 2050 RTP tribal consultation work program and schedule were jointly developed with the Reservation Transportation Authority (RTA) and the SCTCA. Holding a San Diego Regional Tribal Summit at a key milestone point in the 2050 RTP process was recommended as a means to discuss policy-level issues related to the RTP development on a government-to-government basis, building on the strong working relationship already established with tribal nations in the region. In addition, a tribal summit would provide an opportunity to review the status of other policy areas of mutual interest that could be included in a future update of the Regional Comprehensive Plan (RCP).

Tribal Summit Planning

Ad Hoc Joint Summit Planning Task Force

An Ad Hoc Summit Planning Task Force was formed with three elected officials from the SCTCA (SCTCA Chairman and Pala Chairman, Robert H. Smith; SCTCA Borders Representative, Pauma Chairman Chris Devers; and SCTCA Regional Planning Representative, Santa Ysabel Chairman Johnny Hernandez) and three from the Borders Committee (Supervisor Pam Slater-Price, County of San Diego; Santee Councilmember John Minto, East County; and Escondido Councilmember Sam Abed, North County Inland). The Task Force members and agency staffs from the SCTCA and SANDAG met on September 10, October 9, and November 12, 2009.

Recommendation

The Borders Committee and SCTCA Board of Directors recommend that the Executive Committee approve the proposed agenda for the 2010 Tribal Summit, which would be held on April 9, 2010.
Goal/Purpose

The proposed goals and purpose of the 2010 San Diego Regional Tribal Summit are to:

- Allow elected officials from tribal nations and local jurisdictions to discuss concerns of mutual interest in regional planning;
- Identify areas of common concern; and
- Formulate a set of mutually agreed priority areas of action in transportation, as well as in other regional planning policy areas such as energy, water, public safety, and habitat conservation.

Structure/Topics

The Task Force discussed the scope, and it was determined that the Summit should encompass both transportation issues as well as other critical policy areas, including energy, water, public safety, and habitat conservation.

The proposed meeting agenda would contain the following elements:

- **Milestones**: The Chairs of the SCTCA and SANDAG would provide a brief summary of the accomplishments in collaborative planning that resulted from the action plan developed from the 2006 San Diego Regional Tribal Summit.

- **Overview of Tribal Policy Issues**: This would provide an opportunity to gather the leadership from the tribal nations, the local governments, and special use districts to discuss major regional initiatives that impact tribes and provide a forum for direct feedback at a policy level. The Task Force is discussing the possibility of the SCTCA developing an introductory video on critical questions regarding tribal governance, sovereignty, jurisdictions, and planning.

- **Regional Vision Quest**: The Board leadership of the SCTCA and SANDAG would share the results of their own recent internal summits as a basis for identifying areas of common concern. This would include a facilitated discussion between elected leaders from the tribal and nontribal community to determine a shared vision and ways in which tribal and local governments can work together to improve the quality of life in the region.

- **Priority Transportation Strategies for the 2050 RTP**: The Co-Chairs of the Interagency Technical Working Group on Tribal Transportation Issues would facilitate a discussion regarding tribal transportation strategies the Working Group has been discussing during the past several months. The objective is for the Boards of the SCTCA and SANDAG to come to an agreement on collaborative priorities for the 2050 RTP regarding strategies to address tribal transportation issues in the region.
• Identification of Regional Planning Strategies for Future RCP Update: At the 2006 Tribal Summit, breakout sessions were held on regional policy issues other than transportation, which were then discussed at SANDAG Policy Advisory Committee (PAC) meetings over the last several years. In the months leading up to the proposed 2010 Tribal Summit, the PACs would be asked to identify opportunity areas for collaboration with tribal nations. The Boards of SANDAG and the SCTCA would discuss these action areas and prioritize strategies for consideration in a future update of the RCP.

Date/Location

The Task Force recommended the Tribal Summit be held on April 9, 2010, the date of a regular SANDAG Board Policy meeting. This would provide sufficient time for key elements of the 2050 RTP to be reviewed and analyzed by the Tribal Transportation Working Group and for various presentations to be made to the SCTCA Board, and it would allow enough time for results of policy discussions at the Summit to be incorporated into the development of the 2050 RTP.

It also was recommended by the Task Force that the Summit be held on a tribal reservation. The tribal leadership felt that part of this process is educational; this is a unique opportunity for local elected officials to visit a reservation. Given the substance of issues to be discussed, it also is recommended by the Task Force that the Summit be a day-long event. The Rincon Band of Luiseño Indians has offered to host the 2010 Tribal Summit.

Next Steps

The proposed agenda structure and content of the Tribal Summit were presented to the SANDAG Borders Committee in November and to the SCTCA Board in December. Once the agenda, date, and location have been approved by both the SCTCA and SANDAG Boards, staffs from these agencies and Rincon will begin the coordination of planning logistics, including sending out invitations and preparing for the Summit.

CHARLES “MUGGS” STOLL
Director of Land Use and Transportation Planning

Attachment: 1. Draft 2010 San Diego Regional Tribal Summit Agenda

Key Staff Contact: Jane C. Riquelme, (619) 699-1909, jcl@sandag.org]
1. Welcome

Bo Mazzetti, Chair of the Rincon Band of Luiseño Indians, will welcome the Summit participants to the meeting.

2. Opening Remarks (Lori Holt-Pfeiler, SANDAG Chair; Robert H. Smith, SCTCA Chair)

The Chairs of each of these two associations of governments will address the summit participants and provide a brief overview of the status of Tribal-Metropolitan Planning Organization relations.

3. Public Comment/Communications/Member Comments

Members of the public shall have the opportunity to address meeting participants on any issue. Speakers are limited to three minutes.

4. Review of Accomplishments in Collaborative Planning since 2006 Tribal Summit (Chairman Robert H. Smith, SCTCA Chair; Lori Holt-Pfeiler, SANDAG Chair)

The Chairs of the SCTCA and SANDAG will provide a brief summary of the accomplishments in collaborative planning that resulted from the action plan developed from the 2006 San Diego Regional Tribal Summit.

5. Overview of Tribal Policy Planning Issues in the San Diego Region (Chairman Chris Devers, SCTCA – Pauma)

Chairman Devers will provide a brief introduction to a video presentation, which highlights tribal planning issues in the San Diego region as a basis for a plenary discussion.

6. ‘Vision Quest’ Plenary Discussion between SCTCA and SANDAG Board (Chairman Smith, SCTCA Chair – Pala)

Tribal Nations historically have not taken part in the regional planning process. Tribal leaders will facilitate a discussion between elected leaders from the tribal and nontribal communities to determine a shared vision and ways in which tribal and local governments can work together to improve the quality of life in the region. (Possibly a report out from each agency’s most recent retreat?)

7. Luncheon
8. **Tribal Transportation Issues for the 2050 Regional Transportation Plan (RTP)**  
(Boxie Phoenix, RTA Chair; Renée Wasmund, SANDAG)

The Co-Chairs of the Interagency Technical Working Group on Tribal Transportation Issues will facilitate discussion/comments regarding tribal transportation strategies the Working Group has been discussing during the past several months. The objective is for the Boards of the SCTCA and SANDAG to come to an agreement on collaborative priorities for the 2050 RTP regarding strategies to address tribal transportation issues in the region.

9. **Tribal Policy Issues for Inclusion in the Regional Comprehensive Plan (RCP)**

At the 2006 Tribal Summit, breakout sessions were held on regional policy issues other than transportation which were then discussed at the SANDAG Policy Advisory Committee over the last several years. In the months leading up to the 2010 Summit, the PACs were asked to identify opportunity areas for collaboration with tribal nations. The Boards of SANDAG and the SCTCA will discuss these action areas and prioritize strategies for consideration in the next update of the RCP.

10. **Concluding Remarks and Next Steps** (Robert H. Smith, SCTCA Chair; Lori Holt-Pfeiler, SANDAG Chair)

The San Diego Regional Tribal Summit also will serve as the April 9, 2009, SANDAG Board Policy Meeting. This agenda and related staff reports can be accessed at www.sandag.org under Meetings on the SANDAG Web site. Public comments regarding the agenda can be forwarded to SANDAG via the e-mail comment form also available on the Web site. E-mail comments should be received no later than noon, two working days prior to the Board of Directors meeting.

In compliance with the Americans with Disabilities Act (ADA), SANDAG will accommodate persons who require assistance in order to participate in SANDAG meetings. If such assistance is required, please contact SANDAG at (619) 699-1900 at least 72 hours in advance of the meeting. To request this document or related reports in an alternative format, please call (619) 699-1900, (619) 699-1904 (TTY), or fax (619) 699-1905.
Address:
**Harrah's Rincon Casino & Resort**
777 Harrah's Rincon Way
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Phone Numbers
General: (760) 751-3100
Toll Free: (877) 777-2457

**From the south**

Take I-15 North and exit at Valley Parkway heading east. Valley Parkway turns into 2nd Street, back to Valley Parkway, and finally turns into Valley Center Road. Follow Valley Center Road for about eight miles. Harrah's Rincon will be on your left.

**From the north**

Take I-15 South. Exit on Valley Parkway heading east. Valley Parkway turns into 2nd Street, back to Valley Parkway, and finally turns into Valley Center Road (you will travel several miles through Escondido before the street changes to Valley Center Road). Follow Valley Center Road for about eight miles. Harrah's Rincon will be on your left.
EXECUTIVE COMMITTEE

January 8, 2010

AGENDA ITEM NO.: 6

Action Requested: APPROVE

PROPOSED SANDAG COMMENTS ON THE
DEL MAR FAIRGROUNDS MASTER PLAN PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT

This report is to provide the Executive Committee with an overview of the proposed SANDAG comments on the Del Mar Fairgrounds Master Plan Project Draft Environmental Impact Report (DEIR). At its December 11, 2009, meeting, the Transportation Committee reviewed and discussed the comments proposed by staff and additional comments proposed by a member of the public. The Committee directed staff to forward the item to the Executive Committee for its consideration of the comments and action on the final letter.

This project includes plans for maintenance and improvement to the current service condition of the Fairgrounds facilities, including renovation and modernization of several structures and parking areas, demolition of structures, and relocation of a maintenance yard and fire station. It also includes plans for a 330-room condominium hotel and accompanying conference facilities, exhibit halls, roof-top sports fields, and a sports training facility. Long-term projects include enhancing transit access to the Fairgrounds site by assisting SANDAG with implementation of a seasonal train platform on site at the Fairgrounds and additional parking.

SANDAG issues and concerns are described in the draft comment letter (Attachment 1) and focus on the transportation-related impacts associated with this project. Project site maps are included as Figures 3.4a and 3.4b (Attachments 2 and 3 respectively).

Next Steps

Comments on the Del Mar Fairgrounds Master Plan DEIR are due on January 8, 2010. Following Executive Committee action, staff will submit the proposed SANDAG comment letter, and will continue to coordinate with member agencies and monitor this project as it moves through future project phases.

CHARLES “MUGGS” STOLL
Director of Land Use and Transportation Planning

              2. Figure 3.4a
              3. Figure 3.4b

Key Staff Contact: Coleen Clementson, (619) 699-1944, ccl@sandag.org
Dear Mr. Fuller:

SUBJECT: Del Mar Fairgrounds Master Plan Project Draft Environmental Impact Report (DEIR)

Thank you for the opportunity to comment on the Del Mar Fairgrounds Master Plan Project DEIR. SANDAG appreciates the 22nd District Agricultural Association for noting its willingness in the DEIR to participate in a fair share cost-sharing mechanism to mitigate transportation-related impacts associated with this project.

Our comments, which are based on policies included in the Regional Comprehensive Plan (RCP) and the Regional Transportation Plan (RTP), are submitted from a regional perspective and emphasize the need for land use and transportation coordination.

Draft EIR Specific Comments

1. The DEIR traffic analysis should include a COASTER, Amtrak, and bus transit ridership analysis. This analysis should consider the effect a new permanent or temporary Amtrak and COASTER platform would have on transit use, including bus transit, traffic congestion, and the need for parking associated with build-out of the proposed Master Plan. The analysis should consider transit ridership during the fair and race seasons and during off-season times given build-out of the Master Plan.

2. The DEIR should evaluate opportunities for mitigation to transportation impacts. Examples of mitigation would include a new permanent or temporary Amtrak and COASTER platform to be constructed in the first phase of the project.

3. Potential funding alternatives for transportation mitigation should be explored. An example would be to seek participation in financing the permanent rail platform project’s cost from those competing for the 20-year contract to run the races at Del Mar, scheduled to be awarded in September 2010.
4. Construction in the floodway and its impacts to the existing LOSSAN San Dieguito River Bridge should be addressed as changes to the floodway could potentially increase erosion and destabilize the bridge supports.

5. The signalization mitigation measure at the Solana Gate realignment location should clearly identify the incorporation of pedestrian crosswalks and signal phasing since this is the closest pedestrian access from Pacific Coast Highway and North County Transit District (NCTD) Route 101.

**Multimodal Transportation Analysis**

The 2030 Regional Transportation Plan provides a multimodal approach to meet regional transportation needs. Therefore, SANDAG requests that the traffic analysis for this project consider balancing the needs of motorists, transit riders, pedestrians, and bicyclists, and include the following impact analysis.

**Transit Impacts**
Address potential impacts to existing and planned transit by identifying the transit mode share (bus and light rail) as a share of total project trips, existing or planned transit stop locations within/adjacent to the proposed project, and quantify any traffic delay on bus service resulting from the proposed project. This analysis is desired as a reference to help quantify potential impacts on the transit system.

**Transportation Demand Management**
Please consider promoting alternatives to driving alone during peak periods, such as carpooling, vanpooling, bicycling, telecommuting, flexible work hours for employees, and the potential of a Transportation Demand Management (TDM) plan as a part of this project to help mitigate regional transportation impacts. We recommend contacting the SANDAG iCommute to explore TDM options.

**Consult with MTS, NCTD, and Caltrans**
SANDAG advises the project applicant to consult with the Metropolitan Transit System (MTS) and NCTD, the transit service providers within the project area, and also with Caltrans to coordinate planned transit and/or highway improvements.

Additionally, when analyzing future (2030) traffic conditions, SANDAG recommends using the transportation network included in the 2030 RTP Reasonably Expected funding scenario.

**Conclusion**

We appreciate the opportunity to comment on the Del Mar Fairgrounds Master Plan Project DEIR.

If you have any questions or concerns regarding SANDAG comments on this project, please contact me at (619) 699-1944 or ccl@sandag.org.

Sincerely,

COLEEN CLEMENTSON
Principal Planner
SAN DIEGO ASSOCIATION OF GOVERNMENTS

EXECUTIVE COMMITTEE

January 8, 2010

AGENDA ITEM NO.: 7

Action Requested: RECOMMEND

ANNUAL PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS

File Number 8000100

Introduction

In December the Executive Committee reviewed proposed amendments to all of the proposed annual changes to Board Policies except Board Policy No. 031 and new Board Policy No. 035. The Executive Committee also did not have sufficient time in December to review the proposed amendments to the Bylaws. Staff will review these remaining Board Policy and Bylaw amendments with the Executive Committee and ask for a recommendation to the Board of Directors regarding the amendments discussed at the December and January meetings. (Copies of the other Board Policies reviewed by the Executive Committee in December are available at www.sandag.org.)

Recommendation

The Executive Committee is asked to discuss the amendments to Board Policy No. 031 and the Bylaws (Attachments 1 and 3), and proposed new Board Policy No. 035 (Attachment 2) and recommend that the Board of Directors approve all of the proposed amendments to the Board Policies and Bylaws, including Board Policy No. 031, contingent on ITOC’s position on that amendment.

Discussion

The significant proposed changes for each of the remaining new or amended Board Policies and Bylaws are discussed below. The actual language changes are tracked in the attached draft versions of the Board Policies and Bylaws.

Board Policy No. 031 – TransNet Ordinance and Expenditure Plan Rules (Attachment 1)

National City has requested that the Executive Committee and Board consider interpreting the Regional Transportation Congestion Improvement Program (RTCIP) provisions in the TransNet Ordinance such that the RTCIP would not apply to assisted living units. As discussed at the December meeting, staff does not believe that National City’s request would be in conflict with the purpose and intent of the RTCIP provisions in the Ordinance because based on the language regarding purpose and intent, the RTCIP was intended to address the impact of residential units on regional arterials. If a particular type of unit causes a lower level of impact on regional arterials than a typical residence, it would not be inconsistent with the intent of the Ordinance for the Board to ultimately decide the RTCIP does not have to apply to this type of unit.

Language that could clarify SANDAG will not mandate that certain types of assisted living facilities be subject to the RTCIP is shown in tracked changes in Attachment 1, which is an excerpt from Board Policy No. 031. The proposed amendment to this Board Policy, unlike the other amendments discussed in this report and in December, will require review by the Independent Taxpayer Oversight Committee (ITOC). The ITOC did not meet in December. Therefore, if the Executive Committee recommends this amendment, it will be brought to the ITOC on January 13, 2010, prior
to the Board of Directors meeting on January 22, and the Executive Committee’s recommendation can be contingent on the ITOC’s position on the amendment.

If the proposed amendment to Board Policy No. 031 is approved, a local agency would not be precluded from applying the RTCIP exaction to assisted living units or any other type of development, whether residential or commercial. It would just mean that the local agency would not be potentially jeopardizing its TransNet funding by not charging the exaction for these types of units. In other words, the Ordinance and policy would still set the minimum standard the cities and the County need to meet to maintain TransNet eligibility, but each jurisdiction could still decide whether to apply the fee to a broader spectrum of new development.

When this proposed revision to Board Policy No. 31 was presented to the Executive Committee in December, staff was asked to carry out several tasks. First, National City requested that the latest 2007 California Building Code Section 308 designating the new “institutional” use and occupancy classification be used to define developments as non-residential. The “institutional” use provision referenced by National City is in the 2007 California Building Code. Building codes are intended to address construction standards, not standards based on how development of the unit will impact the transportation infrastructure. Staff believes the criteria proposed in Board Policy No. 031 are more narrowly tailored to apply only to units outside the purpose and intent of the RTCIP. National City may conclude that some units that are granted an institutional building permit are exempt from the RTCIP, and that other types of units encompassed within the building code definition of “institutional,” such as group homes and halfway houses, will have a greater impact on the regional arterial system (RAS) than a typical residence.

In addition, Carlsbad Councilmember Matt Hall suggested the classification “Commercial Living Unit” as defined in the Carlsbad Municipal Code be investigated as a potential definition to distinguish such uses as nonresidential. Carlsbad’s definition (Municipal Code § 21.04.093) follows:

"Commercial living unit" means a unit that may be within but is not limited to a professional care facility, hotel, motel, time-share or bed and breakfast that provides the basic amenities for everyday living and may include but is not limited to a sleeping area or bedroom(s), closet space, restroom, sitting/entertainment area and kitchen facilities. Commercial living units are distinguished from dwelling units due to the assistance/services provided in conjunction with the living unit and/or the use of the living unit for temporary lodging.

Staff believes this definition also would potentially be too broad because not every commercial living unit would meet the rest of the criteria that are proposed; specifically criteria related to how the unit will function in reality, not just in theory. Under the proposed criteria in Board Policy No. 031, Carlsbad could decide that commercial living units that meet all of the criteria in Board Policy No. 031 do not have to pay the RTCIP exaction. Therefore, Board Policy No. 031 would not be in conflict with Carlsbad’s Municipal Code.

Third, County Supervisor Pam Slater-Price inquired about whether some type of numerical threshold for the number of trips created should be used in the criteria. Staff was wary about including a specific number of trips as a threshold in the criteria because it could lead to conflicts in assessing traffic impacts for development projects to avoid the RTCIP. Instead, a new criterion has been added since last month that addresses impact to the RAS. The new criterion will allow each local agency some flexibility in determining whether the impact on the RAS from a unit is lower than a typical residence. This would not be the defining criterion, however, because a local agency could only forego charging the exaction if all of the other criteria are met.
Finally, there was an interest in having the Cities/County Transportation Advisory Committee (CTAC) review the proposed language. CTAC will meet on January 7 and staff intends to provide the feedback received from CTAC to the Executive Committee at its meeting on January 8.

Board Policy No. 035 – Competitive Grant Program Procedures (Attachment 2)

A new Board Policy is proposed to provide procedures for competitive grant programs. There are never enough government grant funds to pay for all of the projects worthy of funding in the San Diego region. For this reason, SANDAG awards grant funds on a competitive basis that takes the grantees’ ability to perform their proposed project on a timely basis into account. SANDAG intends to hold grantees accountable to the project schedules they have proposed in order to ensure fairness in the competitive process and encourage grantees to get their projects implemented quickly so that the public can benefit from the project deliverables as soon as possible. This new policy is proposed in order to provide for a consistent set of standards to be used for grant programs administered by SANDAG with “use it or lose it” requirements. It also contains provisions regarding required resolutions and execution of the grant agreement. This policy would apply to the following grant programs administered through SANDAG, whether from TransNet or another source: Smart Growth Incentive Program, Environmental Mitigation Program, Bike and Pedestrian Program, Senior Mini Grant Program, Job Access Reverse Commute, New Freedom, and Section 5310 Elderly & Persons with Disabilities Transportation Program.

Bylaws (Attachment 3)

A few substantive changes are proposed for the Bylaws. The first is to change the term “standing committee” to “policy advisory committee” where appropriate throughout the Bylaws since “standing committees” refers to broader set of committees than just the policy advisory committees. An addition is proposed to Article III, Section 5 to clarify that ethics training and similar classes of an educational nature will not constitute an event for which compensation will be paid to Board members. Verbiage changes are proposed in Section 1 of Article V to allow regular and alternate members of the Board to serve as a chair or vice chair on a policy advisory committee as long as they are a primary member of that policy advisory committee. The next proposed change is in Article V, Section 3(b). This section concerns the duties of the nominating committee for the election of officers. Currently the language requires the committee to interview all candidates for office. Sometimes, however, there is only one candidate for an office and that candidate may be graduating from a lower office. In this situation the committee may feel it is unnecessary to interview the candidate. The language change would provide that the nominating committee shall conduct interviews when there is more than one candidate for an office. A change is proposed to Article VI, Section 3 to update the type and timing of the financial report provided to each Member Agency on an annual basis. Finally, staff recommends adding Section 6 under Article VI, which would make member agency payment of Criminal Justice database dues mandatory.

JULIE D. WILEY
General Counsel

Attachments: 1. Board Policy No. 031 TransNet Ordinance and Expenditure Plan Rules (excerpt)
2. Board Policy No. 035 Competitive Grant Program Procedures
3. Bylaws

Key Staff Contact: Julie D. Wiley, (619) 699-6966, jwi@sandag.org
TransNet ORDINANCE AND EXPENDITURE PLAN RULES (EXCERPT)

The following rules have been adopted and amended by the SANDAG Board of Directors in its role as the San Diego County Regional Transportation Commission (RTC). The purpose of these rules is to implement the provisions of the original TransNet Ordinance (87-1) and the TransNet Extension Ordinance (04-01) and amendments thereto.

Rule #23: Application of TransNet Extension Ordinance Regional Transportation Congestion Improvement Program (RTCIP) Requirements

Adoption Date: July 10, 2009; Amended January 22, 2010

A. Section 9 of Ordinance 04-01 provides that starting on July 1, 2008, each local agency in the San Diego region shall contribute $2,000 in exactions from the private sector, for each newly constructed residential housing unit in that jurisdiction to the RTCIP. Each agency is required to establish its own collection program, known as its RTCIP Funding Program. Each jurisdiction is required to either establish a new Fund for the RTCIP or to set up accounts specific to the RTCIP for tracking purposes.

B. Local agencies, SANDAG staff, hired auditors, and the Independent Taxpayers Oversight Committee (ITOC) are subject to the timelines set forth in Rule #17, Section I (Fiscal and Compliance Audit Procedures) in this Board Policy, Ordinance 04-01, and the attachment to Ordinance 04-01 entitled “REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM” (RTCIP Attachment). Section 9 of Ordinance 04-01 states that any local agency that does not provide its “full” RTCIP contribution in a given fiscal year will not be eligible to receive funding for local streets and roads for the immediately following fiscal year. It further provides that any funding not allocated under 4(D)(1) as a result of this requirement shall be reallocated to the remaining local agencies that are in compliance with Section 9. This Rule #23 is intended to provide clarification regarding how this language will be implemented.

1. By June 30 of each year, which is the last day of SANDAG’s fiscal year, each local agency must record as revenue, the full amount of each RTCIP exaction due for any new residential unit subject to the RTCIP within its jurisdiction. This means that if the RTCIP exaction is not yet collected, the local agency should invoice, but does not need to collect all of the RTCIP exactions due in a given fiscal year by June 30. Each local agency may choose when the exaction is due, but in no event can the local agency allow a residential unit subject to the RTCIP to be occupied by a resident prior to receipt of the RTCIP exaction. The local agency must record the revenue in the fiscal year
the exaction is due according to its Funding Program or when the revenue is received, whichever occurs first.

2. Section G(4) of the RTCIP Attachment states that each local agency shall have up to, but no more than seven years after receipt of the revenue to expend the revenues on Regional Arterial System or regional transportation infrastructure projects. To ensure consistency in implementation, this provision shall mean that the seven year term shall begin on the July 1 following the date on which the local agency recorded the exaction as revenue or received the revenue, whichever occurred first. If it is not spent within seven years it will be subject to the reallocation process in Section G(4) of the RTCIP Attachment.

3. Pursuant to Ordinance 09-01, which amended Ordinance 04-01, the audit reports for all RTCIP Funding Programs are to be completed by June of the fiscal year immediately following the end of the fiscal year being audited. If during the audit process it is determined that a local agency failed to collect the full amount of exactions due under its Funding Program, the local agency may cure the defect by recording the amount due as an account receivable for the fiscal year being audited and avoid losing its TransNet funding. If the local agency has already closed out its books for the fiscal year being audited by the time the RTCIP audit discloses the defect, the local agency may record the revenue and cure the defect in the current fiscal year in order to avoid losing its TransNet funding. The seven year period discussed in Section B(2) of this Rule will commence from the fiscal year in which the revenue is recorded if this latter situation occurs.

4. The following exceptions will be permitted to the requirement that each local agency record as revenue, the full amount of each RTCIP exaction due for any new residential unit subject to the RTCIP within its jurisdiction by the June 30 deadline. These exceptions are permissible because the purpose of the RTCIP exactions is to mitigate residential traffic impacts on the regional transportation infrastructure. If a new unit subject to the RTCIP is not occupied this impact does not occur.

a. If litigation, bankruptcy, or other similar situation occurs that delays occupation of a new residential unit pending resolution by the courts or another body assigned to resolve the dispute, and the local agency has invoiced, but been unable to collect amounts due under its Funding Program, the local agency may delay recording the account receivable until the outcome is known or the unit is occupied, whichever occurs first. The local agency shall provide documentation to the auditor establishing litigation, bankruptcy, etc. has occurred that has precluded the local agency from collecting the exaction.
b. If a local agency records an RTCIP exaction as revenue and subsequently determines that the amount is uncollectible (i.e., the developer never completes the project or goes bankrupt), the local agency may write-off the RTCIP exaction until such time, if ever, the unit is occupied and subject to the RTCIP. The local agency shall provide documentation to the auditor establishing that the write-off was justified.

5. Due to the timeline for completion of RTCIP audits, it may be up to one year after the fiscal year being audited has ended before ITOC adopts a final report that includes a finding that a local agency failed to provide the full amount of RTCIP exactions due under its Funding Program. During this interim audit period, SANDAG will make the payments due to local agencies for local streets and roads pursuant to Section 4(D)(1) of Ordinance 04-01 in good faith by presuming that the audit will establish each local agency is in compliance. If, however, the audit establishes a local agency did not provide its full monetary contribution under the RTCIP and the local agency does not cure defects of which it was notified by the time the audit is finalized and adopted by the ITOC, then the local agency will have forfeited its Section 4(D)(1) contribution. Any amount paid to the local agency in the fiscal year following the year that was the subject of the audit will be retroactively owed to the Commission. SANDAG will deduct any such amount, with interest at the monthly Local Agency Investment Fund (LAIF) rate. This amount will be deducted from the local agency annual allocation during the next fiscal year in which the local agency is eligible for Section 4(D)(1) funding.

C. The purpose of the RTCIP’s requirement that each local agency have a Funding Program is “to provide additional revenue to fund those facility and service improvements on the Regional Arterial System necessitated by development of newly constructed residences.” If a new unit will have a lower impact on the Regional Arterial System (RAS) than a typical residential unit, then it is unlikely to necessitate facility and service improvements on the RAS. The Board has determined that a nursing home, home for the aged, assisted living facility, or similar institutional unit (“institutional unit”) is not the type of unit the RTCIP was intended to cover if this type of unit is unlikely to generate the same types of trips and impacts on the RAS. Local agencies are not required to charge for a new institutional unit for purposes of compliance with the Ordinance’s RTCIP Funding Program requirements when the local agency documents that it has made the following criteria/findings are met prior to issuance of a final certificate of occupancy:

1. The individual unit will not have both a bathroom and permanent built-in kitchen facilities equipped with a cooking range, refrigerator, and sink; and

2. The principal reason a person will live in the unit is because the person needs medical and/or nursing care;
3. The unit will cause a lower impact on the RAS than a typical residential unit in a similar location; and

4. The local agency has required that the developer agree that intends for the units in substance will to be used as health care facilities rather than as a residences.

Adopted: February, April, and May 1988; August 1989; March, July, and November 1990; October 1992; September and November 2005

Amended: June and December 1990; February 1991; November 2005; December 2006; December 2007; February 2008; March 2008; September 2008; July 2009; January 2010
COMPETITIVE GRANT PROGRAM PROCEDURES

Applicability and Purpose of Policy

This Policy applies to the following grant programs administered through SANDAG, whether from TransNet or another source: Smart Growth Incentive Program, Environmental Mitigation Program, Bike and Pedestrian Program, Senior Mini Grant Program, Job Access Reverse Commute, New Freedom, and Section 5310 Elderly & Persons with Disabilities Transportation Program.

Nothing in this Policy is intended to supersede federal or state grant rules, regulations, statutes, or contract documents that conflict with the requirements in this Policy. There are never enough government grant funds to pay for all of the projects worthy of funding in the San Diego region. For this reason, SANDAG awards grant funds on a competitive basis that takes the grantees’ ability to perform their proposed project on a timely basis into account. SANDAG intends to hold grantees accountable to the project schedules they have proposed in order to ensure fairness in the competitive process and encourage grantees to get their projects implemented quickly so that the public can benefit from the project deliverables as soon as possible.

Procedures

1. Project Milestone and Completion Deadlines

   1.1. When signing a grant agreement for a competitive program funded and/or administered by SANDAG, grant recipients must agree to the project delivery objectives and schedules in the agreement. In addition, a grantee’s proposal must contain a schedule that falls within the following deadlines. Failure to meet the deadlines below may result in revocation of all grant funds not already expended. The final invoice for capital, planning, or operations grants must be submitted prior to the applicable deadline.

      1.1.1. Funding for Capital Projects. If the grant will fund a capital project, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary construction contract must be awarded within two years following execution of the grant agreement, and construction must be completed within eighteen months following award of the construction contract. Completion of construction for purposes of this policy shall be when the prime construction contractor is relieved from its maintenance responsibilities. If no construction contract award is necessary, the construction project must be complete within eighteen months following execution of the grant agreement.

      1.1.2. Funding for Planning Grants. If the grant will fund planning, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary consultant contract must be awarded within one year following execution of the grant agreement, and the planning project must be complete within two years following award of the consultant contract. Completion of planning for purposes of this policy shall be when grantee approves the final planning project deliverable. If no consultant contract award is necessary, the...
planning project must be complete within two years of execution of the grant agreement.

1.1.3 Funding for Operations Grants. If the grant will fund operations, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary services contract for operations must be awarded within one year following execution of the grant agreement, and the operations must commence within six months following award of the operations contract. If no services contract for operations is necessary, the operations project must commence within one year of execution of the grant agreement.

1.1.4 Funding for Equipment or Vehicles Grants. If the grant will fund equipment or vehicles, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary purchase contracts for equipment or vehicles must be awarded within one year following execution of the grant agreement, and use of the equipment or vehicles for the benefit of the public must commence within six months following award of the purchase contract.

2. Project Milestone and Completion Deadline Extensions

2.1. Schedules within grant agreements may include project scopes and schedules that will identify interim milestones in addition to those described in Section 1 of this Policy. Grant recipients may receive extensions on their project schedules of up to six months for good cause. Extensions of up to six months aggregate that would not cause the project to miss a completion deadline in Section 1 may be approved by the SANDAG Executive Director. Extensions beyond six months aggregate or that would cause the project to miss a completion deadline in Section 1 must be approved by the Policy Advisory Committee that has been delegated the necessary authority by the Board. For an extension to be granted under this Section 2, the following conditions must be met:

2.1.1. For extension requests of up to six months, the grantee must request the extension in writing to the SANDAG Program Manager at least two weeks prior to the earliest project schedule milestone deadline for which an extension is being requested. The Executive Director or designee will determine whether the extension should be granted. The Executive Director’s action will be reported out to the Board in following month’s report of delegated actions.

2.1.2. A grantee seeking an extension must document previous efforts undertaken to maintain the project schedule, explain the reasons for the delay, explain why the delay is unavoidable, and demonstrate an ability to succeed in the extended time frame the grantee proposes.

2.1.3. If the Executive Director denies an extension request under this Section 2, the grantee may appeal within ten business days of receiving the Executive Director’s response to the responsible Policy Advisory Committee by sending the appeal to the SANDAG Program Manager.

2.1.4. Extension requests that are rejected by the Policy Advisory Committee will result in termination of the grant agreement and obligation by the grantee to return to SANDAG any unexpended funds within 30 days. Unexpended funds are funds for project costs not incurred prior to rejection of the extension request by the Policy Advisory Committee.
3. Project Delays and Extensions in Excess of Six Months

3.1 Requests for extensions in excess of six months, or that will cause a project to miss a completion deadline in Section 1 (including those projects that were already granted extensions by the Executive Director and are again falling behind schedule), will be considered by the Policy Advisory Committee upon request to the SANDAG Program Manager.

3.2 A grantee seeking an extension must document previous efforts undertaken to maintain the project schedule, explain the reasons for the delay, explain why the delay is unavoidable, and demonstrate an ability to succeed in the extended time frame the grantee proposes. The grantee must provide the necessary information to SANDAG staff to place in a report to the Policy Advisory Committee. If sufficient time is available, and the grant utilized TransNet funds, the request will first be taken to the Independent Taxpayer Advisory Committee (ITOC) for a recommendation. The grantee should make a representative available at the meeting to present the information to, and/or answer questions from, the ITOC and Policy Advisory Committee.

3.3 The Policy Advisory Committee will only grant an extension under this Section 3 for extenuating circumstances that the grantee could not have reasonably foreseen.

4. Resolution and Execution of the Grant Agreement

4.1 Two weeks prior to the review by the Policy Advisory Committee of the proposed grants, prospective grantees must submit a resolution from their authorized governing body that includes the provisions in this Subsection 4.1. Failure to provide a resolution that meets the requirements in this Subsection 4.1 will result in rejection of the application and the application will be dropped from consideration with funding going to the next project as scored by the evaluation committee. In order to assist grantees in meeting this resolution deadline, when SANDAG issues the call for projects it will allow at least 90 days for grant application submission.

4.1.1 Grantee governing body commits to providing the amount of matching funds set forth in the grant application.

4.1.2 Grantee governing body authorizes staff to accept the grant funding and execute a grant agreement if an award is made by SANDAG.

4.2 Grantee’s authorized representative must execute the grant agreement within 45 days from the date SANDAG presents the grant agreement to the prospective grantee for execution. Failure to meet the requirements in this Subsection 4.2 may result in revocation of the grant award.

5. Increased Availability of Funding Under this Policy

5.1 Grant funds made available as a result of the procedures in this Policy may be awarded to the next project on the recommended project priority list from the most recent project selection process, or may be added to the funds available for the next project funding cycle, at the responsible Policy Advisory Committee’s discretion. Any project that loses funding due to failure to meet the deadlines specified in this Policy may be resubmitted to compete for funding in a future call for grant applications.

Adopted: January 2010
SAN DIEGO ASSOCIATION OF GOVERNMENTS

BYLAWS

ARTICLE I

NAME AND PURPOSE

Section 1

The name of this Organization shall be the San Diego Association of Governments (hereinafter referred to as SANDAG).

Section 2

The purposes of this Organization are as set forth in SB 1703 (Chapter 743 of the Statutes of 2002), as established by state and federal law, and as approved by the Board of Directors. The primary purpose for which this organization is created is to engage in regional cooperative comprehensive planning, programming and where authorized, implementation thereof, and to assist the Member Agencies.

ARTICLE II

DEFINITIONS

The following terms shall have the meanings ascribed to them within this section unless the content of their use dictates otherwise:

a. “Region” shall mean that territory physically lying within the boundaries of San Diego County.

b. “Population” of any Member Agency shall mean that population as defined in SB 1703.

c. “Fiscal Year” shall mean that year beginning July 1, and ending June 30.

e. “Member Agencies” shall mean the cities within San Diego County and the County of San Diego collectively.

f. “Subregion” shall mean one of the five following portions of San Diego County: “North county coastal,” which includes the Cities of Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside; “North county inland,” which included the Cities of Vista, San Marcos, Escondido, and Poway; “South county,” which includes the Cities of Chula Vista, National City, Imperial Beach, and Coronado; “East county,” which includes the Cities of El Cajon, Santee, La Mesa, and Lemon Grove; and “San Diego region,” which includes the territory located within the boundaries of San Diego County.
ARTICLE III
MEMBERSHIP AND ORGANIZATION

Section 1

Membership in this Organization shall be as provided in state law and these Bylaws.

Section 2

a. All powers of this Organization shall be exercised by the Board of Directors. The Board of Directors may choose to delegate several of its responsibilities from time to time in accordance with Board policy.

b. Only the duly selected official representative(s), or in his or her absence, his or her duly selected alternate or alternates, shall be entitled to represent his or her Member Agency in the deliberations of the Board of Directors.

c. When changes occur, names of the official representatives and alternates shall be communicated in writing to the Organization by each participating Member Agency.

Section 3

There shall be at least five standing committees which shall be known as policy advisory committees with the membership set forth in SB 1703 or Board Policy.

a. The procedure for City and County of San Diego and subregional appointments to the policy advisory committees shall be established by Board policy. In the case of the subregional appointments, the policy shall ensure a noticed, formal process wherein all Board members (including alternates) from each subregion are provided an opportunity to participate in the selection process. Each subregion shall ensure that SANDAG staff is notified of the date, time, and location for that subregion’s meeting. After the meeting for each subregion is set by the primary Board members, SANDAG staff shall provide Board alternates from each subregion advance notice of the meeting. A majority of the primary members present at the subregion meeting shall make a selection by January 31. An alternate member may vote in the absence of the primary member. In appointing persons to the Transportation Committee, to the extent possible, the subregions and other agencies should avoid duplication of representation from any city other than the City of San Diego.

b. Procedures for policy advisory committee attendance and voting shall be established by Board policy. The policy shall ensure the formal delineation of the voting membership at each meeting.

c. The Board Chair, First Vice Chair, and Second Vice Chair may serve as ex-officio non-voting members of the policy advisory committees.
d. The Board Chair shall select the chair and vice chair of all policy advisory committees except the Executive Committee, annually in February. When serving on the Executive Committee, the Board Chair, First Vice Chair, and Second Vice Chair shall serve as the Chair, First Vice Chair and Second Vice Chair of the Executive Committee. The First and Second Vice Chairs of the Board shall serve as voting members of the Executive Committee if one or both of the Vice Chairs represent an area of the region that is different from the area of the region represented by the Chairperson or other Vice Chair. If such an overlap occurs, a Vice Chair that cannot be the primary member shall be the alternate.

Section 4

The Board of Directors or a policy advisory committee with delegated authority shall have the authority to appoint all additional committees or working groups and may provide for the appointment of alternates to these committees.

a. Additional policy advisory standing committees may be appointed by the Board of Directors as may be required to carry out general and continuing functions and may be abolished only upon specific action by the Board of Directors.

b. Ad hoc specialized subcommittees or working groups may be appointed by the Board of Directors as the need arises to accomplish specific tasks. The policy advisory committees may appoint working groups to advise them. Upon completion of its assignment, each ad hoc subcommittee or working group shall disband.

Section 5

In addition to any compensation mandated by state law for Board meetings, the rates below shall apply. Persons must be present for at least 1/2 of the time set for the meeting or the duration of the meeting, whichever is less, in order to be eligible for compensation.

a. For attendance by Board members, or alternates in their absence, at Board meetings, $150 per meeting.

b. For meetings or events attended by Board members, other than committee meetings of SANDAG, where the members are officially representing the Board, $150 per meeting or event. The Board may adopt and amend from time to time a list of such meetings and events. Ethics training and similar classes of an educational nature shall not constitute an event for which compensation will be paid.

c. For members and alternates of policy advisory committees, $100 per meeting.

d. The limit on the total number of paid meetings for Board and policy advisory committee members or alternates per individual is six meetings per month.

e. The Chair of the Board shall receive additional monthly compensation of $500 per month.

f. Both the Vice Chairs of the Board shall receive additional monthly compensation of $250 per month.
ARTICLE IV

MEETINGS

Section 1

a. A quorum for a meeting of the Board of Directors shall be as provided for in Section 5 of this Article.

b. A quorum shall be required for the conduct of any business of a committee. No business shall be conducted by a committee without a quorum. A simple majority of the appointed members of a committee shall constitute a quorum. All decisions by a committee shall be by simple majority of the quorum.

Section 2

Parliamentary procedure at all meetings shall be governed by Roberts Rules of Order except as otherwise modified by state law, Board policy, or these Bylaws. The Secretary shall forward written notice of the meetings of the Board of Directors and each policy advisory standing committee, stating the time, location, and the agenda of business to each member’s agency and to the respective members and alternates of the Board of Directors or the policy advisory standing committees, at the earliest time possible, but in no event less than 72 hours prior to meetings, except that such written notice of regular Board of Directors' meetings may be forwarded by first class mail or other appropriate means not less than seven days prior to such meeting.

Section 3

All meetings of SANDAG, including without limitation regular, adjourned regular, and special meetings of the Board of Directors, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code). Closed session items should be heard by the Board of Directors unless timeliness requires consideration by the Executive Committee or, for transportation matters the Transportation Committee. In any event, the Transportation Committee is authorized to convene closed sessions and make final decisions with regard to real property transactions related to transportation projects, however, this delegation does not include the authority to make a Resolution of Necessity or to commence litigation. The Transportation Committee will report real property transaction purchase amounts at the next regular meeting of the Board occurring after final execution of the purchase documents.

Section 4

The Board and committees shall meet according to the following schedule:
a. The Board of Directors and policy advisory committees shall hold their regular meetings on Fridays unless otherwise determined from time to time by the Board of Directors or policy advisory committee. Regular meetings of the Board of Directors shall be held on the second and fourth Friday mornings of the month at the offices of the Organization or at other locations within San Diego County, unless otherwise provided by the Board. Special meetings of the Board of Directors or policy advisory committees may be called from time to time by their respective Chair.

b. Other committees shall meet whenever called by their respective Chair.

Section 5 (Section 132351.2 of the Public Utilities Code)

a. A majority of the Member Agencies constitute a quorum for the transaction of business. In order to take final action on any item, except consent items which only require the vote specified in paragraph (1), the following voting formula in both paragraphs (1) and (2) shall apply:

(1) A majority vote of the members present on the basis of one vote per agency.

(2) A majority of the weighted vote of the Member Agencies present.

b. In the event a majority vote pursuant to Section 5(a) cannot be obtained to allow final action on an item, one or more preliminary votes may be taken using the method in Section 5(a)(1) in order to narrow the options sufficiently to obtain a majority vote on the final action as required by Public Utilities Code Section 132351.2.

c. The City and County of San Diego shall determine how to allocate their single agency vote and weighted votes between their two members.

d. For the weighted vote, there shall be a total of 100 votes, except additional votes shall be allowed pursuant to subdivision (g.f). Each representative shall have that number of votes determined by the following apportionment formula, provided that each agency shall have at least one vote, no agency shall have more than 40 votes, and there shall be no fractional votes:

(1) If any agency has 40 percent or more of the total population of the San Diego County region, allocate 40 votes to that agency and follow paragraph (2), if not, follow paragraph (3).

(2) Total the population of the remaining agencies determined in paragraph (1) and compute the percentage of this total that each agency has.

(A) Multiply each percentage derived above by 60 to determine fractional shares.

(B) Boost fractions that are less than one, to one and add the whole numbers.

(C) If the answer to subparagraph (B) is 60, drop all fractions and the whole numbers are the votes for each agency.
(D) If the answer to subparagraph (B) is less than 60, the remaining vote(s) is allocated one each to that agency(s) having the highest fraction(s) excepting those whose vote was increased to one in subparagraph (B) above.

(E) If the answer to subparagraph (B) is more than 60, the excess vote(s) is taken one each from the agency(s) with the lowest fraction(s). In no case shall a vote be reduced to less than one.

(3) Total the population determined in paragraph (1) and compute the percentage of this total that each agency has.

(A) Boost fractions that are less than one, to one and add the whole numbers.

(B) If the answer to subparagraph (A) is 100, drop all fractions and the whole numbers are the votes for each agency.

(C) If the answer to subparagraph (A) is less than 100, the remaining vote(s) is allocated one each to that agency(s) having the highest fraction(s) excepting those whose vote was increased to one in subparagraph (A) above.

(D) If the answer to subparagraph (A) is more than 100, the excess vote(s) is taken one each from that agency(s) with the lowest fraction(s). In no case shall a vote be reduced to less than one.

e. When a weighted vote is taken on any item that requires more than a majority vote of the board, it shall also require the supermajority percentage of the weighted vote.

f. The weighted vote shall be recomputed in the above manner every July 1.

g. Any other newly incorporated city shall receive one vote under the single vote procedure and one vote under the weighted vote procedure specified above until the next recomputation of the weighted vote, at which time the new agency shall receive votes in accordance with the formula specified in subdivision (b). Until this recomputation, the total weighted vote may exceed 100.

ARTICLE V

OFFICERS AND THEIR DUTIES

Section 1

The Board of Directors shall have as officers a Chair, First Vice Chair, and Second Vice Chair, who are primary members of the Board. Policy advisory standing committees shall have as officers a Chair and Vice Chair, who are primary or alternate members of the Board and primary members of their respective committees. The Executive Director shall be the Secretary of the Board and each policy advisory standing committee.
a. The Chair shall preside over Board and committee meetings, and have general supervision of Board and committee affairs. The Chair shall sign all official documents when directed to do so by the Board and committees respectively.

b. The First Vice Chair shall perform the duties of the Chair in his or her absence and perform any duties that the Chair may require. The Second Vice Chair shall perform the duties of the First Vice Chair in his or her absence and perform any duties that the Chair may require.

c. In the event of the absence of the three officers of the Board of Directors or both officers of a policy advisory/other standing committees, the Immediate past Chair may preside or the quorum of members present shall elect a Chair Pro Tempore to preside for that meeting. The Secretary, with a quorum present, shall call the meeting to order and preside during such election of a Chair Pro Tempore; he or she shall immediately relinquish the chair upon completion of the election.

Section 2

The Board may delegate authority to the Board Chair for action consistent with Board approved criteria on categories of items.

Section 3

Election of officers of the Board of Directors shall be held annually during a regular December meeting. Officers for the Board of Directors shall be elected in the following manner:

a. In or around July of each year, application forms will be made available on the Board of Directors page of the SANDAG Web site for persons interested in applying for the Chair or a Vice Chair position on the Board of Directors. Applications shall be structured to screen for the best regional leaders from among the primary members and shall include questions concerning the candidate’s vision statement for SANDAG and his/her qualifications. Applications shall be due within 30 days after the application forms are posted. Only candidates who submit an application by the deadline or who are primary members nominated from the floor on the day of election will be considered for office.

b. The Chair shall appoint up to a six-person nominating committee, who shall be members of the Board from each of the subregions and a Board member from the City and the County of San Diego. The nominating committee appointments shall be announced at a regular meeting in or around September of each year. The nominating committee shall not, however, include Board members from jurisdictions that have applicants for the Chair or a Vice Chair position on the Board of Directors. The nominating committee shall interview the candidates and submit a slate of nominees for the three Board offices in writing for mailing to Board members in or around November. Additional nominations for any office may be made by Board members at the election meeting.

c. In choosing the nominees from the Board membership, the nominating committee shall take into account the nominee’s availability, experience, skills, geographic diversity, and the benefits associated with having the First Vice Chair succeed the outgoing Chair and the Second Vice Chair succeed the outgoing First Vice Chair.
d. The officers shall be elected by a majority of the votes including weighted votes of those Board members present.

e. All officers shall be elected for a term(s) of one year and shall serve until their successors are elected. They shall begin their term of office on January 1.

f. In the event that the Board member who has been elected Chair, First Vice Chair, or Second Vice Chair is no longer a primary member of the Board of Directors, the office shall be considered vacant.

g. Any vacated office of Chair, First Vice Chair, or Second Vice Chair shall be filled at the next regular Board meeting by nominations from the floor, and a majority of votes from the members present. A member must be a primary member to be nominated from the floor.

Section 4

a. The Board of Directors shall appoint an Executive Director who shall hold office until he or she resigns or is removed by the Board of Directors. The Executive Director shall be the chief executive officer of SANDAG. The Executive Director shall have charge of all projects and property of the Organization and shall file with the Director of Finance of SANDAG an official bond in the minimum amount of $100,000 or such larger amount as the Board of Directors specifies, guaranteeing faithful performance of his or her duties. The Executive Director will be responsible to the SANDAG Board of Directors as set out in the Administrative Rules and Regulations for the administration of SANDAG’s business, including: (1) development of program objectives, definition, directions and priorities; (2) management of SANDAG programs and coordination of staff and support services; (3) the development of financial support programs for SANDAG activities; (4) the recommendation and submission of an annual SANDAG program budget to the Board of Directors; and (5) execution of the adopted personnel, purchasing, and budgetary systems. The Executive Director shall perform such other and additional duties as is necessary to carry out the objectives and function of SANDAG and as directed by the Board of Directors.

b. Any additional staff support services provided by Member Agencies or others shall be coordinated by the Executive Director.

c. The Executive Director is hereby enabled to promulgate an administrative manual, as well as all other administrative policies governing the administrative procedures of the Organization.

ARTICLE VI

FINANCIAL

Section 1

The Board of Directors shall approve a preliminary budget no later than April 1 of each year. The Board of Directors shall adopt a final budget no later than June 30 of each year. A copy of the preliminary budget when approved and a copy of the final budget when adopted shall be filed with each Member Agency.
Section 2

Responsibility for supplying funds for that portion of the budget for SANDAG which is to be supplied by the Member Agencies, as adopted by the Board of Directors, shall be divided among the Member Agencies based on their population with each Member Agency including within its budget as funds to be supplied to SANDAG that sum of money determined by taking the ratio its population bears to the total population of the region and multiplying it by that portion of the approved budget to be supplied by the Member Agencies. Payment of this determined sum of money shall be made by each Member Agency by July 15 of each year. If payment by a Member Agency has not been made by September 1 of each year, that Member Agency shall no longer vote as a member of the Board of Directors. A delinquent Member Agency will be allowed to vote when full payment has been made, including interest computed from July 15 at the established legal rate.

Section 3

The Director of Finance of SANDAG shall establish and maintain such funds and accounts as may be required by good accounting practice, state and federal law, and these Bylaws. The books and records of SANDAG in the hands of the Director of Finance shall be open to inspection at all reasonable times by representatives of the Member Agencies. The Director of Finance of SANDAG shall issue a Comprehensive Annual Financial Report (CAFR) by December 31 within 120 days after the close of each fiscal year and a copy shall be provided to each give a complete written report of all financial activities for each fiscal year to of the Member Agencies.

Section 4

The Director of Finance of SANDAG shall receive, have the custody of, and disburse SANDAG funds upon the warrant or check-warrant of the Finance Manager pursuant to the accounting procedures developed under Section 3 above, and shall make the disbursements required to carry out any of the provisions or purposes of the Organization. The Director of Finance of SANDAG may invest SANDAG funds in accordance with state and federal law. All interest collected on SANDAG funds shall be accounted for and posted to the account of such funds.

Section 5

Delegation of authority from the Board of Directors for final financial/contracting approvals, including selection of vendors, acceptance of funding, stipulations of any nature, and any resulting budget amendment to serve as a limitation applicable to a particular job or program (not to be exceeded on a serial basis), shall be as follows:

a. Up to $100,000 to the Executive Director, subject to increase by Board action.

b. Up to $500,000 to the Executive Committee for any item, subject to increase by Board action.

c. Up to $500,000 to the Transportation Committee for transportation items, subject to increase by Board action.
d. Up to $500,000 to the Public Safety Committee for ARJIS and Criminal Justice Division items, subject to increase by Board action.

e. The Executive Director, Executive Committee, Public Safety Committee, and Transportation Committee shall report approvals under this section to the Board of Directors at least quarterly.

Section 6

The amount budgeted for Member Assessments related to Criminal Justice database access shall be as adopted by the Board of Directors, and divided among the Member Agencies using a formula based on population. Payment of this determined sum of money shall be made by each Member Agency by July 15 of each year. If payment by a Member Agency has not been made by September 1 of each year, that Member Agency shall no longer vote as a member of the Board of Directors. A delinquent Member Agency will be allowed to vote when full payment has been made, including interest computed from July 15 at the established legal rate.

ARTICLE VII

RELATIONSHIPS AND RULES OF PROCEDURE

Section 1

The functions of the Board of Directors and policy advisory committees shall be established by Board policy. The Board of Directors may delegate functions to the policy advisory committees as it deems appropriate.

Section 2

The Board of Directors shall provide guidance to committees and working groups. The Board may advise Member Agencies on the coordination of general plans, or on the resolution of conflicts between the general plans of agencies in the San Diego region.

Section 3

Conflicts between governmental agencies should be resolved among the affected agencies. In matters affecting more than one local government, and where requested by the affected agencies, the Organization shall have the authority to hear and make recommendations if the conflicts are not resolved to the satisfaction of each affected agency. Regional plans should serve as the guideline for the resolution of conflicts.

Section 4

Each action taken by the Organization which requires implementation should include designation of the agency or agencies directly responsible for such implementation.
Section 5

The general and specific references to the construction authority of SANDAG in SB 1703 shall be interpreted as applicable solely to its responsibilities for project development and construction of transit projects which were previously within the purview of the transit development boards and are consolidated under the authority of SANDAG.

ARTICLE VIII

REGIONAL COMPREHENSIVE PLAN

In addition to the purposes and powers set forth by law and these Bylaws, pursuant to Public Utilities Code Section 132360 et seq., the Organization shall be responsible for preparing and adopting a regional comprehensive plan based on the local general and regional plans that integrates land uses, transportation systems, infrastructure needs, and public investment strategies, within a regional framework, in cooperation with member agencies and the public.

ARTICLE IX

INFORMATION AND EVALUATION

Section 1

a. The Organization shall disseminate information concerning its work program and activities. The required information system should be organized and categorized so that it will continue to allow full and efficient use of information by the public and private sectors.

b. Adequate provision for citizen participation shall be provided as required by law and as directed by the Board of Directors.

c. The Board shall perform an annual evaluation of the Organization’s goals, purpose, structure, and performance, directed toward continually improving the planning, coordination, and implementation process.

ARTICLE X

AMENDMENTS

Section 1

The Board of Directors shall be responsible for making all amendments to these Bylaws.

a. Proposed amendments may be originated by the Board of Directors, the Executive Committee, or any member of the Board of Directors.

b. Prior to being taken to the Board of Directors for approval, proposed amendments should be taken to the Executive Committee preliminarily for review and discussion and then
brought to the Executive Committee at a subsequent meeting for a recommendation for approval to the Board.

c. A copy of any proposed amendments shall be forwarded by the Secretary to the official representative of each Member Agency, his or her alternate and the Agency itself, at the same time as the proposed amendments are mailed as a report attachment to the agenda for the preliminary Executive Committee meeting referred to in subsection b of this section.

d. Amendments to these Bylaws (except those provisions mandated by state law) shall require the vote of a majority of the Member Agencies which also represents at least 51 percent of the weighted vote of Member Agencies.

Adopted July 2003 by the SANDAG Board of Directors
Revised November 2003 by the SANDAG Board of Directors
Amended November 2004 by the SANDAG Board of Directors
Amended January 2006 by the SANDAG Board of Directors
Amended June 2007 by the SANDAG Board of Directors
Amended December 2008 by the SANDAG Board of Directors
Amended January 2010 by the SANDAG Board of Directors
FY 2009 BUDGET AND OWP: YEAR-END REPORT

Introduction

The purpose of this report is to summarize the progress made on the SANDAG Budget and Overall Work Program (OWP) during FY 2009, including accomplishments as well as the status of work elements where we made less progress than planned. It is further intended that this information, accompanied by current progress on the FY 2010 OWP, will be valuable tools as staff continues to assess current priorities as well as to begin the preparation of the FY 2011 Budget and OWP.

Discussion

The FY 2009 Budget and OWP Year-End Report (Attachment 1) provides a summary of progress made during the year, including significant accomplishments and variances to planned progress. Expenditures in FY 2009 were 27 percent under the amended budget of $59.1 million, with the balance carried over into the current fiscal year to fund planned FY 2010 work efforts. The vast majority of the work efforts identified and approved as part of the FY 2009 Budget were accomplished, along with some significant unplanned work that arose and was addressed during the course of the year. Action plans relating to incomplete projects have been carried forward and are being tracked in the current fiscal year. Staff will continue to track the progress on incomplete items, confirm their continued relevance, and ensure their completion.

Each quarter, SANDAG submits the required progress reports to the funding agencies, providing information on the progress made for each work element. Each of the past several years has seen notable improvements in both the efficiency and effectiveness of the quarterly reporting of progress to Caltrans. For internal project management reporting, progress on each project is reported quarterly at the Task/Product level, estimated completion dates are confirmed or updated, and overall progress is monitored. Projects with budget issues and schedule delays are identified and reviewed by management staff on a quarterly basis. More than 550 tasks and deliverables included in more than individual 100 work elements are tracked using this process.

LAUREN WARREM
Director of Finance (Acting)

Attachment: 1. FY 2009 Year End Report

Key Staff Contact: Tim Watson, (619) 699-1966, twa@sandag.org
FY 2009 Revenue and Expense Performance

As of June 30, 2009, actual revenues for the Overall Work Program (OWP) portion of the FY 2009 Budget were on track with the budgeted revenues. Approved discretionary grants and federal planning funds were available as planned. In addition to the original $55.9 million in OWP revenues, more than $3.2 million in additional or new grant funds were accepted subsequent to the approved budget. The slowdown in the local sales tax receipts relative to growth trends of the past several years was partially anticipated, with Transportation Development Act (TDA) and TransNet coming in lower than the original projections. On an actual year-over-year basis, TDA receipts were down 8.5 percent, and TransNet revenues were down 9.2 percent.

Actual FY 2009 OWP expenditures were $43 million, compared to last FY 2008 spending of $42 million. While projects generally have stayed within budget, progress on some projects did not occur as originally planned. Delays were largely a result of difficulties in procuring professional services, reprioritized resources, staff vacancies, and/or lack of adequate funds. There also were a number of unplanned or unexpected efforts that were addressed during the year. The unexpended funding of $16 million was carried over to fund projects that were continuing into FY 2010. The ending balance of the Contingency Reserve, as of June 30, 2009, was approximately $5.4 million, an increase of $1.4 million, which is a result of budget savings in the general fund. This represents 9 percent of the FY 2010 OWP budget, which exceeds the target of 5 percent as required by Board policy.

FY 2009 Accomplishments

Some of the highlights of the year’s planned accomplishments are shown here, categorized according to the Board’s Strategic Goals established as part of the FY 2009 Budget.

Encourage quality of life improvements, as characterized by a strong economy, healthy environment, public safety, and more housing choices, consistent with the RCP strategic initiatives and other mandates

- The Governor signed Senate Bill 1685 (Kehoe, 2008), a bill sponsored by SANDAG to allow flexibility to expand the uses of sales tax revenues beyond transportation related projects for future ballot measures that could include habitat conservation, water quality, and shoreline preservation. This law allows SANDAG the ability to consider a future “quality of life” funding measure.

- Updated the TransNet Plan of Finance.

- Completed the 2008 Annual RCP Performance Monitoring Report. The report showed we are moving in the right direction in some areas, while other areas need improvement.

- The SANDAG Board of Directors updated the Smart Growth Concept Map to align it with the 2030 Regional Transportation Plan (RTP) and in preparation for the call for projects for the TransNet Smart Growth Incentive Program. The Board adopted criteria for the TransNet Smart Growth Incentive Program and approved $9.4 million in grants for local infrastructure and planning projects under the first cycle of the new program.
In addition to the Board-approved FY 2009 OWP, we received and began implementing 10 additional multiyear planning grants totaling $3.2 million. This includes the third California Regional Blueprint Planning Grant for $400,000 to continue work on implementation of our Regional Comprehensive Plan (RCP).

The Board allocated $2.9 million in grants for 13 land management projects through the TransNet Environmental Mitigation Program.

SANDAG sponsored the annual Binational Planning Seminar to discuss cross-border approaches to climate change mitigation and adaptation.

The Board adopted a Coastal Regional Sediment Management Plan. This Management Plan is the key to helping fund and implement additional beach sand replenishment projects.

The Board accepted for distribution the Sustainable Region Program Action Plan and Toolkit to assist local agencies in identifying energy-efficiency measures and reduce their energy usage. This effort is part of the California Energy Commission grant and is the first set of deliverables provided to the Energy Commission.

Staff participated on the California Air Resources Board (CARB) Regional Targets Advisory Committee (RTAC) to recommend how regional greenhouse gas emissions target should be set across the state. This work has demonstrated that SANDAG has some of the strongest planning and technical skills, which will be useful in implementing Senate Bill 375 (Steinberg, 2008).

Completed a land use study for the Western Salt Works property for the State Department of Conservation and San Diego County Supervisor Greg Cox. The purpose of the study is to help the state understand both the challenges and opportunities should this property become available in the future.

Published seven Criminal Justice (CJ) Bulletins, informing member agencies and the public on topics ranging from methamphetamine use among arrestees to annual crime statistics for the region.

Completed a study and produced the final report on Understanding Transit's Impact on Public Safety.

ARJIS completed Phase 1 of the Officer Notification and Smart Alerting System (ONASAS), giving officers and investigators from the 82 ARJIS member agencies the ability to set alerts on wanted persons (e.g., parolees, gang members, sex offenders, etc.) for real-time notifications via e-mail, cell phone, or text message.

ARJIS completed the regional law-enforcement-only mapping application, allowing officers and investigators to plot crimes, arrests, parolee and sex offender locations, citations, etc. in near real-time, with the ability to look at “hot spots” and repeat locations as well as perform trend analysis.
ARJIS completed the Domestic Violence Intake System, a one stop shop for domestic violence victims to get support and assistance from a variety of service providers (e.g., shelter referrals, child support services, legal guidance/restraining orders, etc.) via a single application. This is a national model that will be rolled out to other domestic violence service centers throughout the country.

Completed the only state-funded evaluation of a large scale reentry program for prisoners into San Diego County, working closely with local partners to document what strategies are most effective in reducing recidivism and keeping our communities safe.

Completed a federally funded evaluation of gang suppression activities in North San Diego County.

Conducted a study and published a report on gang experience among arrestees, a first for the region.

Evaluated and reported on the effects of the current fiscal crisis on crime and crime prevention activities.

Enhance organizational effectiveness, both internally and externally through continuous improvements

Implemented SuccessFactors, an automated performance evaluation program that links the agency’s strategic goals and priorities to each employee’s objectives, which are then tracked throughout the year.

The Independent Taxpayer Oversight Committee (ITOC) completed the first Triennial Performance Audit for the TransNet Program. The report found that SANDAG and Caltrans processes in place were sound and effective, while also recommending a series of improvements to program and project procedures. The implementation of these recommendations will take place throughout FY 2010.

Received an unqualified (clean) opinion for the FY 2008 Comprehensive Annual Financial Report.

Lowered SANDAG borrowing costs by taking advantage of a market opportunity with respect to interest rate exchange agreements. It is estimated that the new agreement will reduce our borrowing costs by approximately $4.2 million per year between 2018 and 2038.

The Board adopted the FY 2010 Budget, which includes a change in the benefits provided by SANDAG through the California Public Employees Retirement System (CalPERS). New employees hired after June 30, 2009, will be required to pay their contribution to CalPERS. This will help make our retirement plan more sustainable by reducing costs over time.

Maintained the agency’s AAA credit rating from the rating agencies. This is even more significant given the global economic crisis.

Completed the Federal Transit Administration Triennial Review with no deficiencies.
Utilized on-call consultant contracts to augment the Caltrans work force to deliver TransNet Early Action Program (EAP) projects. This contracting ability is helping to save both time and money by providing staff of various disciplines on a just-in-time basis to assist with project development.

SANDAG has continued to receive several awards for our projects. Recently, the California Transportation Foundation (CTF) selected the Interstate 15 (I-15) Managed Lanes Project as Highway Project of the Year, and our Smart Corner Transit Project as Transit Project of the Year. It is very unusual for a given region to win both CTF “Tranny Awards” for highway and transit projects in a single year. The National Association of Regional Councils (NARC) also selected the I-15 project for the Major Metro Achievement Award, and Roads and Bridges magazine has listed the I-15 Express Lanes as one of the top ten roads in the United States. SANDAG engineering staff also helped with oversight the SPRINTER project, which won the American Public Works Association’s National Transportation Project of the Year.

Implemented the SoniClear system to archive audio recordings of Board and Policy Advisory Committee (PAC) meetings on the SANDAG Web site, and concurrently implemented action-only minutes. By posting recordings of actual meetings on the Web and doing action-only minutes, we are saving approximately 72 hours of transcription time per month and approximately 800 hours per year of productive staff time.

Implemented an online vendor database. Once a vendor registers, he or she receives e-mail notifications about current contracting opportunities. Also developed a “Diversity in Small Contractor Opportunities” program. This program helps small businesses get certified as a disadvantaged business enterprise (DBE).

The Service Bureau provided services for more than 100 projects, generating more than $470,000 in revenues for the agency. This is a unique part of SANDAG that directly generates revenues.

Have secured or continued leadership positions at the California Association of Councils of Governments (CALCOG), Self-Help Counties Coalition, NARC, and the West Coast Corridor Coalition.

The utilization of Corridor Project Directors for all the major transportation corridors in the San Diego region has proven to be effective in maximizing progress and coordination. This has become the “gold standard” statewide as several other regions are trying to implement a similar program with Caltrans.

Entered into an agreement with the San Diego Unified Port District and Caltrans for the purpose of facilitating the development of the Port Access Improvement Projects funded by the Proposition 1B Trade Corridors Improvement Fund (TCIF) program.

The Southern California Association of Governments (SCAG) became an advisory member on our Borders Committee.
The Board adopted an updated policy on advisory membership that helps encourage greater participation by new agencies/groups on the Board and PACs. The new policy provides for a temporary advisory “seat” at the Board or PAC meetings when specific agenda items arise. Rear Admiral Hering participated in Board meetings in this fashion to discuss the Navy Transportation Demand Management initiative.

Produced the Baseline 2050 Regionwide Forecast, the first step in the development of the 2050 Regional Transportation Plan (RTP).

Purchased 2009 aerial imagery to enhance our regional geographic information systems (GIS).

Developed a regional parks layer for the GIS and created an online mapping system to permit local jurisdictions to review park locations.

Improve mobility by providing better public transportation services and implementing TransNet EAP projects, TDM, and traveler information services.

Adopted a new Regional Comprehensive Fare Ordinance that incorporated a fare increase requested by the Metropolitan Transit System (MTS) to help close the budget shortfall caused by the elimination of State Transit Assistance (STA) funds from the state and by lower than projected sales tax revenues.

Began interim SuperLoop transit service in University City/UCSD in June 2009.

Opened the Interstate 5 high-occupancy vehicle (HOV) lane extension and Lomas Santa Fe Avenue interchange modification project to traffic in February 2009. This was the first Proposition 1B bond project to be completed within the state.

In March 2009, opened to traffic the I-15 Express Lanes between State Route 56 (SR 56) and Centre City Parkway, the second generation dynamic tolling FasTrak system, and I-15 transit stations at Rancho Bernardo, Sabre Springs, and Del Lago.

Completed the final environmental document for the Mid-City Rapid Bus Project.

Completed the inspection of all structures on the MTS Blue and Orange Trolley lines and developed a list of bridges needing maintenance attention.

Assembled a design team with a Corridor Project Director to begin design on the rehabilitation of the Orange and Blue Trolley Lines.

Completed the expansion of the North County Transit District (NCTD) East Division Bus Facility.

Under the provisions of Assembly Bill 2419, local jurisdictions in the San Diego region opted out of the state Congestion Management Program process. The main reason for opting out was to relieve local jurisdictions from having to prepare deficiency plans. SANDAG will still
comply with federal congestion management provisions, which are not as prescriptive as the state requirement.

- As part of the annual federal appropriations process, developed a Board-approved priority list of regional transportation projects for our Congressional members. This joint, collaborative effort with NCTD and MTS proved successful in reaching consensus on key regional projects, which helps to maximize federal dollars to the region.

- The Board adopted a list of High Priority Projects for the next federal surface transportation authorization. The adopted list was submitted to our Congressional Delegation.

- Completed a Border Master Plan for the entire California-Baja California border region on behalf of Federal Highway Administration (FHWA) and Caltrans. This Border Master Plan is being used as a model for other border states, and FHWA is looking to hire the Service Bureau to keep the California-Baja California Border Master Plan updated.

- The Governor signed Senate Bill 1486 (Ducheny, 2008), a bill sponsored by SANDAG that would allow a toll on future SR 11 that could be used to pay for necessary infrastructure and operations for a new Port of Entry (POE) at East Otay Mesa.

- Received the Presidential Permit for the Otay Mesa East POE, and continued to work with Caltrans on obtaining other necessary approvals for construction.

- Worked with U.S. Department of Transportation (USDOT) to obtain a designation of “Border Congestion Relief Project” for the SR 11/Otay Mesa East POE, one of three such projects recognized in the nation.

- Awarded the TransNet Senior Mini Grants, bringing the total amount awarded to $3.6 million.

- Implemented a new i-Commute system that provides online trip matching, guaranteed ride home, bike locker management, and online trip logging of statistics for all modes of commute.

- Completed Destination Lindbergh, a master plan for the San Diego International Airport. The plan provides for better transportation integration into the airport, an Intermodal Transportation Center for all transportation modes, and improved circulation. Adoption of the plan avoids costly litigation among the agencies.

- Completed a Transit Impediments Study, which summarizes both financial and ridership impediments to maintaining long-term transit service levels throughout San Diego County, and includes potential alternatives to overcoming the identified impediments.

- Completed one phase of the expansion of the South Bay Bus Maintenance Facility and completed the environmental document and land acquisition for the next phase of the project.
- Significant progress was made on alternatives development, new mode choice model development, and travel forecasting in support of the Mid-Coast Corridor Transit Project supplemental environmental document.

- Established the Mid-Coast Corridor Transit Project Working Group to enhance public involvement through the environmental review process, including development of the draft environmental document and the public review and comment process.

- Participated in the development of Assembly Bill 3034 (Galgiani, 2008), which made changes to state law on how funds for high-speed rail could be used. This law makes it possible for to start the planning of the Los Angeles to San Diego segment, and for this project segment to compete for state funding, if certain findings can be made.

- Obtained $83.6 million from the Proposition 1B TCIF program for port access improvement projects.

- Executed a multiyear contract for development of a next-generation activity-based travel model (ABM) for the San Diego region. Completed the first five development tasks.

Unplanned Accomplishments

The following items were not part of the budgeted tasks or projects in FY 2009, yet they were accomplished with existing resources.

- Developed a plan to keep San Diego construction projects going during the impending shut down as a result of state budget problem. The plan provided for avoiding $20 million in shut down costs and $5 million ongoing costs per month.

- Obtained $5.84 million from Proposition 1B for traffic light synchronization improvements.

- Developed a Regional Economic Stimulus proposal in collaboration with local jurisdictions, MTS, NCTD, and the San Diego County Water Authority, including a list of projects and an analysis of economic impacts to the region. The region’s proposal was used to advocate for a federal economic stimulus package (which was signed by the President in February 2009).

- Obtained $130 million of federal economic stimulus funds for highway projects. Developed an exchange program to make it easier for the 18 cities and the County to implement local street and road projects, by exchanging the federal stimulus monies for TransNet funds.

- Obtained $80 million of federal economic stimulus funds for transit projects and worked with both NCTD and MTS on the list of transit projects for implementation.

- Negotiated and executed an $800,000 sponsorship agreement to establish VONS as the exclusive grocery outlet for Compass Card sales.

- Completed the San Diego-LOSSAN Corridor Project Prioritization Analysis in cooperation with NCTD, Burlington Northern Santa Fe Railway, Caltrans, and Amtrak. This document identifies the priority projects along our coastal rail corridor for future funding.
opportunities. This analysis was instrumental in the Board’s July 2009 decision to program $19.1 million in TransNet funds for the design of the top seven priority projects, including railway bridge replacements and double track projects.

- Coordinated the completion of the Los Angeles to San Diego via the Inland Empire High-Speed Train Corridor Feasibility Study, with the California High-Speed Rail Authority and other corridor planning agencies. This analysis was the basis for project-level environmental work along the high-speed train corridor, which was initiated in FY 2010.

- Provided NCTD and MTS with additional design and construction services for projects in the operators’ capital improvement programs.

Projects Carried Over into FY 2010

Table 1 describes those planned work efforts that experienced significant delays during FY 2009, along with the reasons for the delay and the planned resolution. Most of the delayed work efforts were carried forward and included as part of the approved FY 2010 SANDAG Budget, as noted below. The criteria used this year to identify incomplete projects were for those work elements with less than 50 percent of budget expended and less than 50 percent of tasks complete.

**Table 1 - Incomplete Projects in FY 2009**

<table>
<thead>
<tr>
<th>Project Title</th>
<th>OWP No.</th>
<th>Main Delay Issue and Planned Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-15 Violation Enforcement System (VES) Study</td>
<td>1109203</td>
<td>Delays in high occupancy vehicle (HOV) transponder demonstration and vehicle occupancy detection testing are due to delay in completing software upgrades relating to Capital Improvement Program (CIP) project entitled I-15 FasTrak (CIP#1201504). Delayed tasks are included under the same title in FY 2010 Budget as the renumbered OWP #33104.</td>
</tr>
<tr>
<td>I-PLACE³S Modeling for Community Sustainability</td>
<td>21002</td>
<td>This work element is being closed out due to the decision to replace I-PLACE³S with a different sketch planning tool. The development of a sketch planning tool has been included in the FY 2010 Budget as part of the smart growth tool box in the RCP &amp; Sustainable Communities Strategy project OWP #91000.</td>
</tr>
<tr>
<td>NEW - Health Equity by Design</td>
<td>3000210</td>
<td>This project was started mid-year and is a pass-through grant dependent upon the sub-recipient to make progress. All work is being carried over into FY 2010 under the same title as OWP #33114.</td>
</tr>
<tr>
<td>NEW - Rural Coordinated Plan</td>
<td>3002305</td>
<td>The Rural Coordinated Plan started mid-year. This project has been carried over into FY 2010 under the same title as OWP #33204 and is expected to be complete by year end.</td>
</tr>
<tr>
<td>Interstate 5 South Corridor Study</td>
<td>30070</td>
<td>This project was started mid-year. The Memorandum of Understanding between SANDAG and the City of Chula Vista was completed in January 2009. The study is expected to be complete in FY 2010 under the same title as OWP #33002, with the subsequent Project Study Report completed in FY 2011.</td>
</tr>
<tr>
<td>Project Title</td>
<td>OWP No.</td>
<td>Main Delay Issue and Planned Resolution</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
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<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Encinitas Pedestrian Crossings Study</td>
<td>50003</td>
<td>The schedule for this project was extended due to the local agency request for additional architectural assessment. The project was added to the FY 2010 OWP, with the planning and design portion of this project to be complete in FY 2010 (as OWP #15007).</td>
</tr>
<tr>
<td>Intermodal Transportation Management System</td>
<td>50004</td>
<td>Efforts for system enhancements in this project have been delayed due to extended implementation of other Intelligent Transportation Systems (ITS) projects and staff turnover. This multiyear project continues in FY 2010 under the same title as OWP #33109.</td>
</tr>
<tr>
<td>Transit Configuration Management System</td>
<td>60009</td>
<td>The remaining portions of the transit configuration management system will be completed in conjunction with related future capital projects.</td>
</tr>
<tr>
<td>Regional Intelligent Transportation Systems Program Management</td>
<td>70013</td>
<td>The development and implementation of the strategic plan for technology deployments is on hold pending Board discussion of the initial ITS assessment. This portion of the project is included in the FY 2010 OWP for this multiyear project under the same title as OWP #33111.</td>
</tr>
<tr>
<td>NEW - Aggregate Supply Study (Service Bureau)</td>
<td>75075</td>
<td>Progress was somewhat delayed on this project; however, it is expected to get back on track and the draft report completed in FY 2010 under this same title and OWP number.</td>
</tr>
</tbody>
</table>
REVIEW OF JANUARY 22, 2010, DRAFT BOARD AGENDA

1. APPROVAL OF MEETING MINUTES

   +A. DECEMBER 4, 2009, BOARD POLICY MEETING MINUTES
   +B. DECEMBER 18, 2009, BOARD MEETING MINUTES

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

   Members of the public shall have the opportunity to address the Board on any issue within the jurisdiction of SANDAG that is not on this agenda. Anyone desiring to speak shall reserve time by completing a “Request to Speak” form and giving it to the Clerk of the Board prior to speaking. Public speakers should notify the Clerk of the Board if they have a handout for distribution to Board members. Speakers are limited to three minutes. Board members also may provide information and announcements under this agenda item.

3. ACTIONS FROM POLICY ADVISORY COMMITTEES

   This item summarizes the actions taken by the Executive Committee on January 8, and the Transportation and Public Safety Committees on January 15, 2010.

CONSENT ITEMS (4 through XX)

4. PROPOSED AMENDMENTS TO CONFLICT OF INTEREST CODE (Julie Wiley)

   Every two years, staff reviews SANDAG Conflicts of Interest Code to determine if updates or modifications are necessary. The Board of Directors is asked to approve the proposed amendments to the SANDAG Conflicts of Interest Code.

5. 2008 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM: AMENDMENT NO. 16, INCLUDING REDETERMINATION OF AIR QUALITY CONFORMITY (Sookyung Kim)*

   At its meeting on July 25, 2008, the Board of Directors adopted the 2008 Regional Transportation Improvement Program (RTIP), including the air quality conformity determination. The RTIP is the five-year program of major transportation projects in the San Diego region covering the period from FY 2009 to FY 2013. SANDAG processes amendments to the RTIP on a quarterly basis based on requests from member agencies. The Transportation Committee recommends that the Board of Directors approve Resolution No. 2010-xx approving Amendment No. 16 to the 2008 RTIP, including a redetermination of air quality conformity.
+6. FY 2011 FEDERAL TRANSPORTATION APPROPRIATIONS PROPOSALS
   (Victoria Stackwick)

   APPROVE

   In October 2009, the Transportation Committee approved the criteria for selecting projects for consideration in the FY 2011 federal transportation appropriations process. Staff has worked with Caltrans, the transit agencies, and local jurisdictions to develop the priorities for the FY 2011 funding cycle. The Transportation Committee recommends that the Board of Directors approve the prioritized list of FY 2011 federal transportation appropriations requests.

+7. FY 2010 BUDGET AMENDMENT: CONSTRUCTION OF BROADWAY WYE
   (John Haggerty)

   APPROVE

   Metropolitan Transit System (MTS) proposes to transfer funding from its capital budget to SANDAG for project construction at the Broadway Wye where the Blue and Orange Trolley Lines cross in downtown San Diego. The project will improve the existing switches, signaling, and contact wire systems. The Transportation Committee recommends that the Board of Directors approve an amendment to the FY 2010 Budget to accept $753,000 in funding from MTS for this project.

+8. FY 2009 COMPREHENSIVE ANNUAL FINANCIAL REPORT (Lauren Warrem)*
   INFORMATION

   In accordance with SANDAG Bylaws, the FY 2009 Comprehensive Annual Financial Report (CAFR), including the independent auditor’s financial and compliance opinions, are presented for informational purposes. Copies of the final CAFR will be distributed to each member agency.

+9. APPOINTMENT OF POLICY ADVISORY COMMITTEE MEMBERS
   (Kim Kawada)

   INFORMATION

   SANDAG Board Policy No. 002 requires the City of San Diego, County of San Diego, and Board members from each of the four subregions (North County Coastal, North County Inland, East County, and South County) to make their appointments to the five Policy Advisory Committees by January 31 of each year. This item summarizes the various members appointed to the Executive, Transportation, Planning, Borders, and Public Safety Committees.

+10. REPORT SUMMARIZING DELEGATED ACTIONS TAKEN BY EXECUTIVE DIRECTOR (Lauren Warrem)

   INFORMATION

   In accordance with SANDAG Board Policy Nos. 003 (Investment Policy), 017 (Delegation of Authority), and 024 (Procurement and Contracting-Construction), this report summarizes certain delegated actions taken by the Executive Director since the last Board meeting.
+11. REPORTS ON MEETINGS AND EVENTS ATTENDED ON BEHALF OF SANDAG (Kim Kawada)

Board members will provide brief reports orally or in writing on external meetings and events attended on behalf of SANDAG since the last Board of Directors meeting.

+12. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM (Laura Coté)

Federal regulations require the adoption of an Equal Employment Opportunity (EEO) Program as a condition of receipt of federal funds. The SANDAG administrative policies and procedures mandate equal employment opportunities in recruitment, hiring, and employment for both applicants and employees. In accordance with SANDAG Board Policy No. 007 (Equal Employment Opportunity Program), this report summarizes employment results for 2009 as well as reviews EEO Program goals for the upcoming year.

13.

14.

CHAIR’S REPORT (15 through XX)

+15. EMPLOYMENT AGREEMENT FOR EXECUTIVE DIRECTOR

The Executive Committee recommends that the Board of Directors approve the proposed First Amendment to the employment agreement for the Executive Director in substantially the same form as attached to the report. The proposed amendment would revise the subsequent term of the employment agreement from three years (July 1, 2009 through June 30, 2012) to six years, five months (July 1, 2009 through November 30, 2015).

16.

REPORTS (17 through XX)

+17. FY 2010 BUDGET AND OVERALL WORK PROGRAM AMENDMENT: INTEGRATED CORRIDOR MANAGEMENT USING INTELLIGENT TRANSPORTATION SYSTEMS (Second Vice Chair Jack Dale, Transportation Committee Chair; Alex Estrella)

SANDAG has been awarded a grant from the Federal Highway Administration to continue efforts towards developing an Integrated Corridor Management (ICM) system for Interstate 15 (I-15). The Transportation Committee recommends that the Board of Directors: (1) approve amending the FY 2010 Budget and Overall Work Program to accept $8,688,600 in federal ICM Initiative funds; and (2) authorize the Executive Director to execute agreements with the Cities of San Diego, Poway, and Escondido, and Caltrans, Metropolitan Transit System, and North County Transit District to continue the implementation of the I-15 ICM project.
+18. **REVISION TO FY 2010 TRANSPORTATION DEVELOPMENT ACT AND TransNet REVENUE ESTIMATES AND FINANCIAL MARKET STATUS** (Second Vice Chair Jack Dale, Transportation Committee Chair; Lauren Warrem and Marney Cox)*

   At its November 20, 2009, meeting, the Board of Directors approved a revision to the FY 2010 revenue estimates for TransNet and the Transportation Development Act (TDA) apportionments. The December receipts indicate that additional reductions are needed for the remainder of the fiscal year. The Transportation Committee recommends that the Board of Directors approve the latest revision to the FY 2010 TransNet revenue estimates and TDA apportionments. An update of the current financial market and the SANDAG debt program also will be provided.

+19. **2010 STATE TRANSPORTATION IMPROVEMENT PROGRAM: REVISED SUBMITTAL** (Second Vice Chair Jack Dale, Transportation Committee Chair; José A. Nuncio)*

   At its December 18, 2009, meeting, the Board of Directors approved removing the I-15 Direct Access Ramp at Mira Mesa Boulevard from the 2010 State Transportation Improvement Program (STIP) proposal and submitting it instead for Proposition 1B Corridor Mobility Improvement Account savings. This shift freed up $50 million in STIP funds. The Transportation Committee recommends that the Board of Directors approve reprogramming the $50 million in STIP funds to other TransNet Early Action Program projects.

+20. **PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS** (First Vice Chair Jerome Stocks; Julie Wiley)*

   The Executive Committee reviewed proposed amendments to Board Policies and Bylaws at its December and January meetings. The Executive Committee recommends that the Board of Directors approve the proposed amendments to the Board Policies and Bylaws.

+21. **2050 REGIONAL GROWTH FORECAST UPDATE** (Beth Jarosz / Ed Schafer)

   SANDAG staff will present the feedback from the region’s city councils and Board of Supervisors from presentations on the 2050 Regional Growth Forecast at each jurisdiction. Staff also will share preliminary housing and job estimates based on input from each jurisdiction. SANDAG staff will continue to work with local planning staffs to develop a final forecast for Board consideration in February.

+22. **PRELIMINARY DRAFT REGIONAL CLIMATE ACTION PLAN** (Imperial Beach Mayor Jim Janney, Regional Planning Committee Chair; Andrew Martin)

   Staff will provide an overview of a preliminary draft of the Regional Climate Action Plan (RCAP), which was funded in part by a grant from the California Energy Commission. The RCAP includes proposed guiding principles, goals and policy measures to reduce greenhouse gas emissions, and draft performance measures to monitor progress in meeting our climate action goals over time.
+23. COMPASS CARD STATUS UPDATE (James Dreisbach-Towle) INFORMATION

Staff will provide the Board of Directors with an update on recent Compass Card project activities.

24. CLOSED SESSION-CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a) – SANDAG V. BOARD OF TRUSTEES OF CALIFORNIA STATE UNIVERSITY (CASE NO. 37-2007-00083768-CU-TT-CTL) (John Kirk)

25. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c). One potential case. (Julie Wiley)

26.

27.

28. UPCOMING MEETINGS INFORMATION

The next Board Policy meeting is scheduled for Friday, February 12, 2010, at 10 a.m.
The next Board Business meeting of the SANDAG Board of Directors is scheduled for Friday, February 26, 2010, at 9 a.m.

29. ADJOURNMENT

+ next to an agenda item indicates an attachment
* next to an agenda item indicates a San Diego Regional Transportation Commission item